Beyond One Man, One Vote

reason

Free Minds and Free Markets

ry 1987 / $2.00

Can This Marriage Be Saved?

Polygamists Fight for Their Beliefs

Birth of a Nation

Baby Haters International

Burying Cable

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Jefferson | Thomas Paine | Adam Smith | John Stuart Mill | Machiavelli | Marx | Thoreau

Great Ideas That Shaped Our World

Make Your Driving Time More Rewarding

Introducing a breakthrough approach to knowledge: timeless ideas brought to life in sound.

The wisdom of the past can help us better understand the present and anticipate the future. But how many of us have the time to read and study the ideas of great authors like Jefferson, Adam Smith, Machiavelli, Mill, and others? For those who don't, these classic thoughts are now on audio tape.

If you spend just 30 minutes a day in your car, you can gain a better understanding of the issues and events that great thinkers faced . . . and that we face today.

The Audio Classics are dramatized condensations of the original works. Each tape is exciting and enjoyable because of our unique presentation techniques. They will stimulate your mind, broaden your horizons and enrich your life.

KNOWLEDGE PRODUCTS
120 Tremont Street, Boston, MA. 02108

The Audio Classics Library

There are 12 monthly selections of two cassettes each:

1. COMMON SENSE
   DECLARATION OF INDEPENDENCE
2. CIVIL DISOBEDIENCE
   THE LIBERATOR
3. WEALTH OF NATIONS (Part 1)*
4. WEALTH OF NATIONS (Part 2)*
5. ON LIBERTY
   VINDICATION OF THE RIGHTS OF WOMAN
6. THE PRINCE
   DISCOURSE ON VOLUNTARY SERVITUDE
7. COMMUNIST MANIFESTO
   SOCIAL CONTRACT
8. REFLECTIONS ON THE REVOLUTION IN FRANCE
   RIGHTS OF MAN
9. THE FEDERALIST PAPERS*
10. LEVIATHAN*
11. TWO TREATISES OF GOVERNMENT*
12. DEMOCRACY IN AMERICA*

**One title in a two-tape album.*

15-day trial offer– no obligation– satisfaction guaranteed

Just clip the coupon and we'll rush you our first two cassettes.

We will charge your credit card $14.95 plus $2.00 shipping and handling on a convenient monthly basis. Or, save $24.00 in shipping and handling charges with an advance payment of $179.00 (check, money order or credit card).

If you're dissatisfied, return the tapes within 15 days and we'll credit your account or refund your money. The same 15-day free trial applies for each selection, and you may cancel your subscription at any time without penalty.

Bravo! Invaluable! Increased my knowledge. Reshaped my thinking. Keeps me mentally fit! Use the ideas all the time. These are just a few samples of the rave reviews from Audio Classics subscribers. Shouldn't you join them?

KNOWLEDGE PRODUCTS, 120 Tremont Street, Boston, MA. 02108

☐ YES! Send me the first two tapes, COMMON SENSE and DECLARATION OF INDEPENDENCE, and begin my no-risk subscription to the Audio Classics. I will receive the remaining 22 tapes in albums of two each month.

☐ Charge my credit card $179.00 (A SAVINGS OF $24.00)

☐ Charge my credit card $14.95 plus $2.00 shipping and handling on a convenient monthly basis.

☐ Mastercard ☐ Visa ☐ American Express

Account No. _____ Expires _____

Signature _____

☐ My check or money order for $179.00 is enclosed. (A SAVINGS OF $24.00!)

Name _____

Address _____

City, State, Zip _____

Phone _____

150

POLITICAL ECONOMISTS SERIES
Important Books on Two Influential Economists

HAYEK

His Contribution to the Political and Economic Thought Of Our Time

by Eamonn Butler

A useful overview of Nobel Prizewinner Friedrich Hayek's economic theories and ideas.

"Eamonn Butler has provided a readable introduction to the central themes of Hayek's writing. . . His book will serve as a useful tool for anyone who wants an accessible overview of Hayek's main ideas."

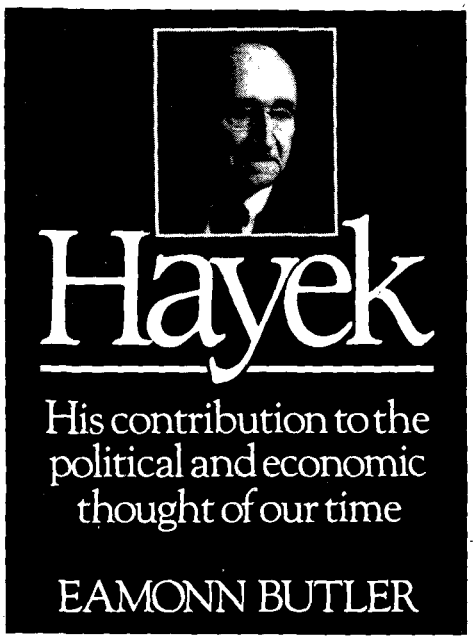
—Reason

"A very good book, both lucid and accurate. . . Dr. Butler expounds Hayekian ideas convincingly."

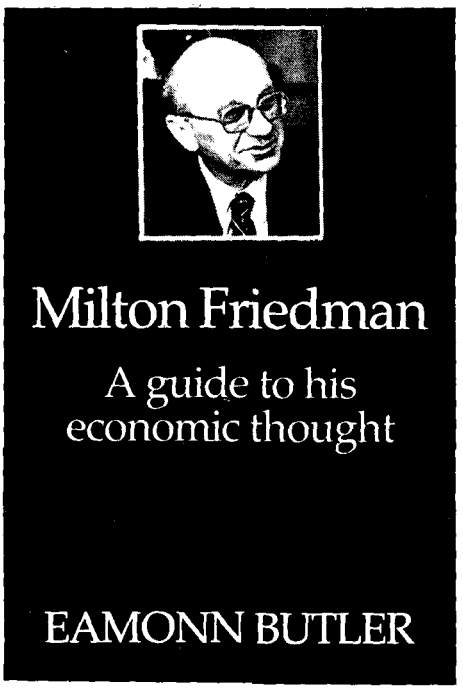
—Economic Affairs

176 pages

#475-7 / $15.00 hardcover
#877-9 / $7.95 paperback



These two titles are the first in the Institute for Humane Studies Political Economists Series. Watch for announcements of future volumes.



MILTON FRIEDMAN

A Guide to His Economic Thought

by Eamonn Butler

"For those who have heard about Milton Friedman's almost revolutionary influence on monetary and fiscal policy but have been bewildered by the skimpy summaries of his thinking, Butler's book is a welcome addition, for it explains in nontechnical language all the major concepts associated with Friedman. Not only is monetarism explained, but the author also discusses the more serious criticisms leveled by the hostile economists, notably the Keynesians. . . Butler is to be commended for his lucid exposition."

—Choice

256 pages

#476-5 / $16.50 hardcover
#878-7 / $8.95 paperback

To order, send check for cost of book(s) plus $1.50 per book for postage and handling.

UNIVERSE BOOKS

381 Park Avenue South • New York, NY 10016

January 1987 / Vol. 18, No. 8

reason

Free Minds and Free Markets

features

Saving family freedom 22

22 ***The Mormon Underground Fights Back***
Gerald M. King
You already know Donny and Marie. Now meet the Potters, the Josephs, and other modern Mormon rebels, battling the government to reclaim their heritage and live their beliefs.

31 ***Dishing Out Competition***
Milton Mueller
Satellite dishes are driving cable companies crazy—and for a very good reason.

35 ***South Africa's Only Hope?***
Frances Kendall
A best-selling South African writer proposes a radical political solution to avert bloodshed in the beloved country.

41 ***Birth of a Nation***
William H. Riker
REASON's Constitution bicentennial series kicks off with a look at the momentous, if unlikely, events of 1787.

Saving the beloved country 39

departments

Trends

18 Down with safety caps, up with taxpayers, out with Swedish controls, in with Aquino's reforms, bored with the postal service?...

Life & Liberty

50 ***Music for the Upwardly Mobile***
Kyle Rothweiler
In *Harmonielehre*, composer John Adams strikes all the right notes.

52 ***On the Cutting Edge***
Virginia I. Postrel
Seize her scissors! Oh, the horrors of airport security!

The Book Case

53 ***Patriot Henry, Noble Rhetorician***
Murray N. Rothbard
A Son of Thunder: Patrick Henry and the American Republic, by Henry Mayer

54 ***Beyond Time, Space, and Mortality***
Victoria Varga
Eclipse, by John Shirley
Marooned in Realtime, by Vernor Vinge

56 ***Vietnam: Leftist Dissection Not Incisive***
Ted Galen Carpenter
Anatomy of a War, by Gabriel Kolko

6 ***We're Having a Party***
Up Front / Bill Kauffman

14 ***Don't Trade SDI—For Anything***
Editorial / Robert W. Poole, Jr.

46 ***Miami Advice***
Investments / Mark Skousen

47 ***Sweet Success***
Spotlight / John Dentinger

58 ***Baby Haters International***
Viewpoint / Karl Zinsmeister

8 ***Letters***

16 ***Brickbats***

57 ***Rudebarbs***

Cover photograph by George T. Kruse

REASON *(ISSN 0048-6906) is published monthly except combined August-September issue by the Reason Foundation, a nonprofit, tax-exempt organization, 2716 Ocean Park Blvd., Suite 1062, Santa Monica, CA 90405. Second-class postage paid at Santa Monica and additional mailing offices.* ***POSTMASTER:*** *Send address changes to REASON, Box 27977, San Diego, CA 92128.* *Copyright 1986 by the Reason Foundation. All rights reserved. Reproduction or use, without permission, of editorial or graphic content is prohibited. REASON is a registered trademark owned by the Reason Foundation. Opinions expressed in signed articles and columns do not necessarily represent the views of the editors or the trustees, officers, or advisory board of the Reason Foundation.* ***SUBSCRIPTIONS:*** *$24.00 per year. Outside US add $8/year surface, $36/year airmail. Address all subscription correspondence to: REASON, Box 27977, San Diego, CA 92128; 619/485-9623 or 566-6947. For address change (allow six weeks), provide old address and new address, including zip code.* ***UNSOLICITED MANUSCRIPTS*** *will be returned only if accompanied by SASE.* ***INDEXED*** *in America: History and Life, Historical Abstracts, Political Science Abstracts, PAIS Bulletin, and Public Issues Index.*

APRIL 1987

THE EARTH WAS DOOMED—
BUT THREE THOUSAND *MIGHT* SURVIVE

A Novel of Ultimate Catastrophe

EXIT EARTH

by the author of
THE SIX MILLION DOLLAR MAN,
THE MESSIAH STONE, MAROONED,
THE FINAL COUNTDOWN, and ZOBOA

MARTIN CAIDIN

WHO WILL SURVIVE?

It is the year 2004, and a miracle has occurred. The U.S. and the U.S.S.R. have settled their differences, and true peace is at hand. Things have never looked better for Planet Earth—until scientists discover that the Solar System is about to pass through a dust cloud that will incite the Sun to a paroxysm of fury that will boil the seas and crack the planetary crust. For humanity, there can be no escape. Except, possibly, for a very few.... A new novel of action, adventure, and human drama by the author of THE MESSIAH STONE and ZOBOA!

SOON TO BE A MAJOR MOTION PICTURE!

APRIL 1987 * 65630-9 * 544 pp. * $3.95

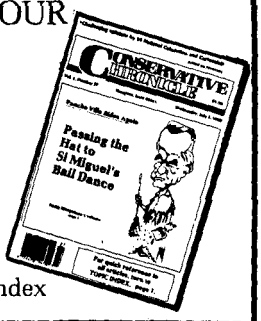
BAENBOOKS

Distributed by Simon & Schuster
1230 Avenue of the Americas * New York, N.Y. 10020

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

IT'S RIGHT-ON

NOW IT'S YOUR CHOICE of syndicated newspaper columnists and cartoonists.



There's a Topic Index

CONSERVATIVE CHRONICLE

WEEKLY – Editorials and opinions by

George Will	William Rusher	Gen. Henry Mohr
James Kilpatrick	Herb Schmertz	Norman Podhoretz
William Buckley	Walter Williams	Warren Brookes
Jeane Kirkpatrick	R. Emmett Tyrrell	Don Feder
Joseph Sobran	Andy Seamans	Anthony Lejeune
Jeffery Hart	Dorthy Rabinowitz	William Murchison
Paul Harvey	Evans and Novak	John Chamberlain
	Zumwalt and Bagley	

CONSERVATIVE CHRONICLE

WEEKLY — Cartoon viewpoints by

Bill DeOre	Dick Wright	Clyde Peterson
Jeff McNelly	Jerry Barnett	Mike Shelton
Steve Kelley	Ranan Lurie	Wayne Stayskal
Tom Gibb	Dick Locher	

Plus many more newspaper cartoonists

A Journalistic Service

Now, every week, receive a 32-page tabloid devoted to nationally distributed newspaper columnists with a conservative appeal. Most of them have every column published in full. Enjoy, also, a witty selection from acclaimed cartoonists. A handy reference. There's a "Topic Index" in every issue. Just $32 a year with a money-back guarantee by Chronicle Publications, a 110-year-old publishing company, on unused portion of your subscription.

TRY OUR INTRODUCTORY OFFER OF 39 ISSUES FOR JUST $23.95

If not completely satisfied, notify us for a full refund of unused portion

Call Toll-Free or Return the Coupon

1-800-558-1244

In Iowa & Alaska, Call Collect: 515-456-2585

CONSERVATIVE CHRONICLE

BOX 29R • HAMPTON, IOWA 50441

Yes! I accept your introductory offer.

39 Issues for just $23.95 (add $15 for foreign postage). Money-Back Guarantee on unused portion.

☐ Check enclosed ☐ Visa ☐ M.C. ☐ AMX

CARD # _____ EXP. _____

NAME _____

STREET _____ APT. NO. _____

CITY _____ STATE _____ ZIP _____

upfront

We're Having a Party

All governments love and encourage ceremonious tributes to their humble beginnings. Amidst pomp and circumstance, splendidly costumed functionaries and impressive displays of military might roll down important avenues from Moscow to New York, intimidating the citizenry while proclaiming the current rulers' fealty to the ideals that inspired their forebears.

This year being the 200th anniversary of the Philadelphia Convention that produced the U.S. Constitution, lots of bombast and marching tunes and grandiloquent, empty homages to the Men of Philadelphia are in store for us. South Bend, Indiana, hotbed of rabid Americanism, has taken the early lead in the Patriotism Sweepstakes by painting its fire hydrants to look like the Founding Fathers. A taxpayer-subsidized commission, chaired by former Chief Justice Warren Burger, promises to promote similar enterprises. And one can already see the tears welling up in Ronald Reagan's eyes as he prepares for his September 17th address commemorating our government's birth with a one-time national holiday, Constitution Day.

We at REASON are as patriotic as the next guy and are in favor of as many holidays as possible for our helpful public servants in the federal government. Heck, we're even willing to give them Arbor Day off. But it will be a shame if the parades and platitudes and Ben Franklin hydrants obscure the significance of the document that is, ostensibly, the cause for our year-long rejoicing.

So, as an alternative to sniping at the Constitution revelers, REASON has scheduled a Constitution bicentennial series to explore and elucidate, throughout our 1987 issues, the origin, development, and current state of the political handiwork forged during that sweltering Pennsylvania summer.

The series begins this month with William Riker's essay on the events of 1787. Plans for subsequent authors and topics include Robert Nisbet on republican virtue, Nat Hentoff on the First Amendment, William Allen and Bill Marina debating the revolutionary quality of the Constitution, Joan Kennedy Taylor on the progress of women's rights, William Appleman Williams on the Constitution and foreign policy, and—tease, tease—more.

Our contributors are from diverse perspectives: from the civil-libertarian Hentoff to the Burkean conservative Nisbet to Williams, the leftish dean of revisionist historians. But each has something provocative to say about the Constitution and its evolution, and each is slated to say it in REASON. We hope you enjoy the series.

Constitution fever—catch it! (You should see *our* fire hydrants.)

Meanwhile, there was a whole lotta antistatist shakin' going on recently at Los Angeles's Biltmore Hotel as REASON and its parent organization, the Reason Foundation, celebrated their move to Los Angeles. Two hundred and fifty of our closest friends gathered to listen to Nobel Laureate Milton Friedman's keynote speech, as well as a host of salutes to J. Clayburn La Force, dean of UCLA's Graduate School of Management and the evening's guest of honor.

Friedman discussed the lag between the popular *acceptance* of revolutionary ideas, such as limited government and free enterprise, and their *implementation*. Though the ideas of liberty are now ascendant (or at least ascending), "in the world of practice," maintained Friedman, "we are farther from a free society than we were 30 years ago." Political successes "do not come easily or overnight," he warned, but if liberty can triumph in the world of ideas, its practical success will someday follow.

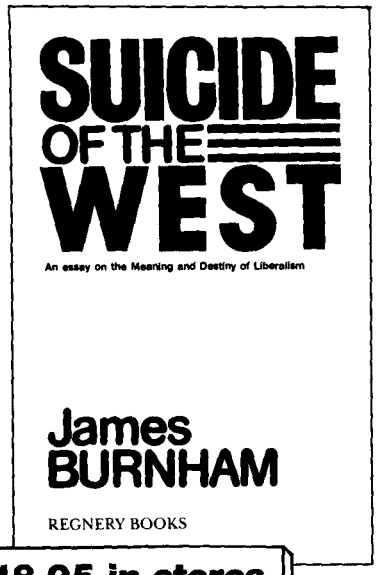
Guitar slinger Rob Kolson rounded out the evening, singing (I swear) funny tunes about economics and what essayist Albert Jay Nock once charitably termed "our enemy, the state." Kolson should be on MTV (with a different haircut).

Thanks to all who made the evening a memorable and resounding success. It's nice to have friends.

—Bill Kauffman

BACK IN PRINT

— *the modern classic that gives us the most profound (and prophetic) insights into the liberal mind ever put to paper*



$18.95 in stores — yours FREE!

This is the book that dissects liberalism deep down to its rotten core . . . as no book ever has. Thanks to Burnham's insights, we finally see that strange amalgam of selfrighteousness, guilt, arrogance, double standard, good intention, selective indignation, selective compassion and fuzzy logic that forms the mind and psychology of the liberal. A hint of the riches:

- Why the liberal cannot rule.
- Why liberalism is the ideology of suicide.
- Why liberalism clashes with Christianity.
- The common ancestors of liberalism and Communism.
- Why liberals sneer at patriotism.
- Very precisely: how liberalism lies at the root of race riots, murderous taxes, national surrender and the crime explosion — and why liberals are helpless to do anything about their own follies.
- The inner drives that impel liberals to war on the Right — while giving the Left an ever-so-gentle tap on the wrist, at worst.
- EXTRA! Burnham's fascinating "39 Articles of Liberalism," an intriguing text that you, or anyone, can take to determine your "ideological quotient." You'll be astonished at how accurately it pinpoints anyone's political slant.

If you haven't yet immersed yourself in this classic, prepare for one of the mind-opening experiences of your life.

Important for Christians and Jews

Why do so many religious people follow the siren song of liberalism? James Burnham throws light on corners once dark.

Enthusiasm for this classic, all across the spectrum

"Despite the fact that James Burnham's *Suicide of the West* has not been given the attention it merits, it will find its way and make history. It is brilliantly written, clearly reasoned, and remarkably restrained, given the subject matter: the sickness of Western civilization and its causes."—Irene Corbally Kuhn, *Christian Economics*

"Expounds with corrosive clarity the right-wing case . . . I am sure that the gravest mistake we can commit is to underrate the importance of his attack on liberal thinking and liberalism in government."—R. H. S. Crossman, *Partisan Review*

"If any book may rouse the friends of order, justice and freedom to intelligent action against the grim enemies of civilization, Mr. Burnham has given us just such an instrument." —Russell Kirk

"James Burnham has written a book about Liberalism for which the world has been aching. It is worth more to the West than the year's gross national product, more than all our planes and bombs — with all of these, we have still been losing out in the world. But this book is not only a pathologist's report. It gives the key for the recovery of the West."...—William F. Buckley, Jr.

How to get this mind-opening book FREE

How the Club Works

Every 4 weeks (13 times a year) you get a free copy of the Club Bulletin, which offers you the Featured Selection plus a good choice of Alternates — all of interest to conservatives. ★ If you want the Featured Selection, do nothing. It will come automatically. ★ If you don't want the Featured Selection or you do want an Alternate, indicate your wishes on the handy card enclosed with your Bulletin and return it by the deadline date. ★ The majority of Club books will be offered at 20-50% discounts, plus a charge for shipping and handling. ★ As soon as you buy and pay for 3 books at regular Club prices, your membership may be ended at any time, either by you or by the Club. ★ If you ever receive a Featured Selection without having had 10 days to decide if you want it, you may return it at Club expense for full credit. ★ Good service. No computers! ★ The Club will offer regular Superbargains, mostly at 70-90% discounts plus shipping and handling. Superbargains do NOT count toward fulfilling your Club obligation, but do enable you to buy fine books at give-away prices. ★ Only one membership per household.

CONSERVATIVE BOOK CLUB

15 Oakland Avenue • Harrison, NY 10528

Please accept my membership in the Club and send me, free and postpaid, James Burnham's seminal study of the liberal mind, the $18.95 *Suicide of the West*. I agree to buy 3 additional books at regular Club prices over the next 18 months. I also agree to the Club rules spelled out in this coupon.

R-47

Name _____

Address _____

City _____ State _____ Zip _____

letters

Hardwick: A Hollow and Harmful Decision

I was astounded to read Henry Mark Holzer's praise for the Supreme Court's decision in the *Hardwick* case ("The Sodomy Solution: Repeal, Not Appeal," Viewpoint, Oct.). Holzer argues that the decision was correct because it was consistent with states' rights.

First, states have no rights; only individuals have rights, and that decision clearly permitted employees of the state of Georgia to violate the rights of Hardwick.

Second, like the ACLU, Holzer is enamored with procedure and treats procedure as an end, not as a means. As long as government employees follow the correct procedure, as set forth in the Constitution, Holzer would, I believe, say that they have the right to commit any act, however heinous.

In a magazine such as REASON, I expected a better analysis of *Hardwick*.

Richard D. Fuerle
Monroeville, PA

Holzer Is Wrong on Rights

Professor Holzer's assessment is not satisfactory. For example, his strict constructionism and absolutist federalism vis-à-vis the Bill of Rights disregards the history of interpretations given to the First and Fifth amendments. It also fails to mention the neglected but vital Ninth Amendment. This last explicitly refers to rights outside not only the Constitution but positive law itself.

It may be that a constitution of liberty is not the same as the U.S. Constitution. But there appears more in the latter that supports *individual* rights than Holzer finds in it. I believe that his analysis is not only dubious but dangerous, for it gives credence to collectivism so long as it is decentralized.

Tibor R. Machan
Auburn, AL

Communicate with REASON, 2716 Ocean Park Blvd., Suite 1062, Santa Monica, CA 90405. We appreciate receiving your letters, typed double-space and limited to 200 words. Letters sent to REASON will be considered for publication (unless otherwise noted) and may be subject to abridgement or editorial comment.

The Frightful Fruits of Federalism

The Georgia sodomy law violates the Ninth Amendment to the Constitution. It is important to our liberties, and thus the *Griswold* decision (the contraceptives case) is a valuable precedent in constitutional law. The landmark case *Roe* v. *Wade*, which legalized abortion, was based on similar reasoning, and the Georgia law should have been struck down for the same reason.

Mr. Holzer also defends the concept of federalism. While he is legally correct, it seems obvious today that federalism is an obsolete concept and has merely created an unnecessary, expensive level of government.

State governments could be abolished tomorrow with no loss to our liberties but with great gains to our pocketbooks. This is not an anarchic point of view. I see the federal government providing national defense, while local governments provide police and criminal courts. Rather than preserving our liberties, state governments routinely violate them. If the politicians and bureaucrats in Atlanta were cleared out, Georgia's archaic sodomy statute would go as well.

Ted Brown
Los Angeles, CA

Federalism vs. Liberty?

Holzer's fetish for form over substance ("federalism" over liberty) may be shared by total statists like Edwin Meese and William Rehnquist, but it was not shared by the framers of the Constitution. In *The Federalist Papers*, when Hamilton and Madison quote Montesquieu's sentiment, "There is no liberty if the power of judging be not separated from the legislative and executive powers," they are judging form (separation of powers) by substance, and the substance is liberty. A fortiori, by the way, there is no liberty if the power of judging be nonexistent.

reason

Editor and Publisher Robert W. Poole, Jr.
Editor-in Chief Marty Zupan
Art Director Laura Main
Production Manager Nanette Campbell
Assistant Editors Bill Kauffman, Virginia I. Postrel
Book Review Editor Lynn Scarlett
Assistant to the Editors Lucy Braun
Circulation Director Marcia Sacharow
Advertising Director Arthur N. Markos

Senior Editors Manuel S. Klausner, Tibor R. Machan

Contributing Editors
Doug Bandow, Bruce Bartlett, Tom Bethell, Samuel L. Blumenfeld, David Brudnoy, Joe Cobb, Timothy Condon, James Dale Davidson, Thomas Hazlett, Michael McMenamin, Alan Reynolds, Jeff Riggenbach, Peter Samuel, Thomas Szasz, William Tucker, Walter Williams

Departments
John Dentinger — **Spotlight**
Mark Edward Crane — **Brickbats**
Randall K. Hylkema — **Rudebarbs**
Warren M. Salomon — **Taxes**
Mark Skousen — **Investments**

Foreign Correspondents
Tahsin Alam — **Bangladesh**
Otto Brons-Petersen — **Denmark**
Julio Cole — **Bolivia**
Fred Dekkers — **Belgium**
Theo. E. Brenner — **Switzerland**
Bruce Evoy — **Canada**
Enrique Ghersi — **Peru**
Ole-Jacob Hoff — **Norway**
Karl G. Holm — **Sweden**
Hubert Jongen — **The Netherlands**
Henri Lepage — **France**
John C. Loulis — **Greece**
Leon M. Louw — **South Africa**
Julio Marquez — **Mexico**
Antonio Martino — **Italy**
Milinda Moragoda — **Sri Lanka**
Toshio Murata — **Japan**
Daniel L. O'Neal — **The Philippines**
M. Perez — **Spain**
Probir Kumar Sarkar — **India**
Eben Wilson — **Great Britain**
Oded Yinon — **Israel**

Editorial and Production Office
2716 Ocean Park Blvd., Suite 1062,
Santa Monica, CA 90405

Washington Office
403 8th St. N.E., Washington, D.C. 20002

Advertising Sales Offices
2716 Ocean Park Blvd., Suite 1062
Santa Monica, CA 90405
(213) 392-0443

New York
Thomas F. Kenney & Associates (212) 683-0570

Reason Foundation

Trustees: Joseph E. Coberly, Burton Gray, Norman Karlin, David H. Keyston, Manuel S. Klausner, David H. Koch, Robert W. Smiley, Jr.

President: Robert W. Poole, Jr.

Chief Financial Officer: P. K. Lowrey

Director, Local Government Center: Philip E. Fixler, Jr.

Director of Research: Lynn Scarlett

Office Manager: Lucine Andonian

letters

Judicial review is the only bulwark against the tyranny of the majority. Holzer tells us that it is porous against the states and offers as an umbrella the cynical suggestion that the crushed minority appeal to the very legislature elected by the majority to crush it. If the Ninth Amendment is deemed meaningless, a mere curlicue on the margin of the document, to what depths of tyranny may states not descend? Compulsory fundamentalism? Coupled with seditious libel laws? Thus prison for Jews and death to resisters?

John Dentinger
West Hollywood, CA

Do States Get a Billing in the Bill of Rights?

The best that can be said for Holzer's viewpoint is that the U.S. Constitution is ambiguous. The 14th Amendment forbids the states from abridging "the privileges and immunities" of citizens and from denying any person "the equal protection of the laws." It would not be illogical to apply these statements to the sodomy case and show why equal protection as well as "privileges and immunities" were denied and abridged.

It is not clear why the Bill of Rights does not apply to state laws. Only the First Amendment refers to Congress. The Sixth Amendment says "in all criminal prosecutions," not "in federal criminal prosecutions." In fact, the amendment refers to "an impartial jury of the State and district." The Bill of Rights has indeed been applied to the states.

Finally, the Ninth Amendment states that the "enumeration of certain rights shall not be construed to deny or disparage others retained by the people." Notice it says "retained," implying these are natural rights, and so rights such as privacy are not new but inalienable, preexisting rights. Therefore, no government—local, state, or federal—may deny or abridge them.

Fred Foldvary
Berkeley, CA

Finding Privacy in the Constitution

The 14th Amendment has somewhat more substance to it than simply the due process clause mentioned by Professor Holzer. The amendment also requires that no state shall make or enforce any law abridging the privileges or immunities of citizens of the United States. This implies that the states are at least minimally constrained by the federal Constitution as to the substance of the laws that they would enact and that citizens are entitled to seek redress in the federal courts against state laws that may infringe upon these rights.

As the Constitution fails to be specific as to what exactly these privileges and immunities happen to be, under our system it falls to the courts to decide. I concede that one may tenably argue (with the minority in the *Griswold* case) that the right to privacy ought not to be included among those privileges and immunities. But likewise, the assertion of such right can hardly be said to be spun out of thin air or the result of pure fabrication without constitutional precedent.

Jack Newsbaum
Los Angeles, CA

Never Forget the 14th

Professor Holzer takes what is unfortunately becoming a fashionable approach to dealing with issues of constitutional protection of personal liberties. This approach is unfortunate because it calls for explicit support in the text of the Constitution for rights protection, while it fails to acknowledge the powerful impact of the Ninth Amendment and of the privileges and immunities clause of the 14th Amendment in protecting liberty.

The Ninth Amendment provides that "the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." It thus provides textual recognition of the "higher law" background of the U.S. Constitution—which rests on a libertarian, natural-rights foundation. In earlier writing, Holzer praised the Supreme Court's reliance on the Ninth Amendment in the 1965 *Griswold* case invalidating Connecticut's anticontraceptive law. To now insist on explicit protection of specific rights in the text of the Constitution is to turn the Ninth Amendment on its head.

The first section of the 14th Amendment states that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." Although this clause was annihilated shortly after its passage by an erroneous 5-4 Supreme Court decision in 1873—which incorrectly held that the clause does *not* protect fundamental rights against violation by state governments—its use can be

A Major Advance
In Economic Theory

THE PURE LOGIC OF CHOICE

by
Richard D. Fuerle

If economics is a science, it must *explain* economic phenomena. To explain is to give the *cause*. Causation implies the existence of a law: if A changes, then B changes. The "A" and "B" in the law can be attributes that we sense or concepts that we create. Thus, there are four types of natural laws—physical laws, conceptual laws, psychological laws, and praxeological laws. The praxeological laws are given and explained, both when coercion is absent and when it is present.

THE PURE LOGIC OF CHOICE demonstrates that economics, like geometry, is a set of laws logically deducible from a few simple premises. 221 pages, hardbound. $13.95.

VP

Through bookstores or from
VANTAGE PRESS, 516 W. 34th St., N.Y., N.Y. 10001

INVESTORS

FINANCIAL FREEDOM

Offshore Mutual Funds! They offer outstanding profit, safety, privacy. Announcing new OMF report! Helps you select the best funds for you. Easy to use. Complete, covers 331 funds.

Send now. Introductory offer, guarantee, and FREE guide to Offshore Mutual Funds - who they are, where they are, how to invest.
Write today:

MM Financial Report
12A Eastpoint Bldg
92 Gloucester Road
Hong Kong

I am the food of government...

...and I have been betrayed.

I have been betrayed because I have no voice to protest what has been done to me. If I could defend myself with words, this is what I would say:

I represent the young and unborn. Long before I was born — or will be, a fate of servitude and mutilation was determined for me. It was determined by special interest groups and their puppet politicians who schemed and conspired before the teeming masses who greedily voted for those politicians and schemes. They schemed and voted for money, to be doled-out today — by, and to themselves, to be paid back tomorrow — by me.

Thus is made the government debt, that thrives on me by oppressing and enslaving me, smashing my dreams to pieces before they are born. Government debt, in case you haven't guessed, is the mechanism by which one generation imposes a tax on succeeding generations to pay for benefits enjoyed by the first. It is the mechanism by which prior and present generations cannibalize mine — and others to follow. It robs me of life before my birth.

What have I done to deserve this eternal servitude? The reason is simple: I am defenseless and I plead guilty to this offense. But, please understand, I am guilty only because I am yet to be born, and because there are so few voices that will carry my cause.

If you think I am oppressed unjustly or want to join those few voices, please send twenty U.S. first-class stamps to

They Speak For Me
1515 W. MacArthur #19
Costa Mesa, CA 92626

Sponsored by Anthony Hargis Institute

letters

an effective and principled tool to protect personal liberties from state abridgement. It should be resurrected.

Holzer's Viewpoint in effect discusses his "strict constructionist" perspective on what the law *is* and does not condone the extension of prior case-law to encompass the protection of private sexual conduct. But it is essential to focus also on what the law *ought* to be, with recognition of the broad protection of rights from state violation intended to be provided by the privileges and immunities clause—based on a willingness to reverse an erroneous prior line of interpretation.

Holzer's narrowly focused conclusion that opponents of antisodomy laws "should not look for, nor advance, a *federal constitutional* remedy" is poor advice for those who believe in law and liberty.

Manny Klausner
Los Angeles, CA

Sodomy's Simply Sinful

Mr. Holzer states that the Supreme Court "simply said—correctly—that there is no federal constitutional remedy" for appeal of Georgia's antisodomy law. He then goes on to say this was the right decision for the wrong reason. What the Supreme Court *simply* said *was* the right reason. It is clear why Mr. Holzer cannot accept this reason, as he goes on to make a case for "trying to repeal antisodomy laws which are stupid, immoral," etc.

I am surprised that REASON would feature such a defense of sodomy and unreasonable thinking. Why not leave defense of sodomy to the Hardwicks of the world who mistake licentiousness for civil liberty?

E. H. Riendeau, J.D.
Ventura, CA

Unenforceable? Says Who?

Holzer says the sodomy law is "unenforceable." Apparently he has not read the decision. It is being enforced. That is why the case reached the Supreme Court—because it involves a real "case or controversy." Moreover, if there were no intent to enforce the law, precisely why did the state attorney general appeal the 11th Circuit's overturning of the law?

Michael Hardwick was arrested in his own bedroom for an act of sex with another, consenting, man. Even now he faces possi-

ble prosecution and up to 20 years in prison for this.

Two men in Virginia were arrested for sodomy as late as the 1970s (the Supreme court refused to hear that case). Not 20 years ago, southern cops were inviting reporters along as they followed "fags" from gay bars, broke down their doors, and arrested them for sodomy.

This is "unenforceable"? This must be the virtue of federalism.

By the same token, Holzer will tell us that the 1968 case *Loving* v. *Virginia*, which struck down in 16 states laws against mixed-race marriages, was wrongly decided. One hundred twenty years ago, REASON would have published Holzer's claim that the *Dred Scott* decision was good "federalism" and that "we are all the freer for it."

That is Orwellian doublespeak. As a gay man, I am none the freer for the federal government allowing 24 states and the District of Columbia to be legal minefields for the morally innocent.

Gary S. Meade
West Hollywood, CA

Hooray for Holzer

Thank you for printing Henry Mark Holzer's Viewpoint. My kneejerk left-libertarian response was outrage, but after a few moments I realized that Holzer's concern is with the long-term consequences of expanding the power of the federal government by inventing constitutional rights that may not exist without wildly creative interpretation.

While his essay did not change my opinion that the right to privacy is inherent in the right to liberty and the pursuit of happiness, I also respect Mr. Holzer's position. His credentials as an observer of the Supreme Court and a believer in freedom are unquestionable, and I am pleased that he had the opportunity to share his views.

Kendra Castle
Santa Monica, CA

Diluted Power vs. Concentrated Power

I applaud Henry Mark Holzer's defense of the crucial importance for liberty of a properly balanced federal structure. The same argument applies to the attempt to pass a law (HR 2320) to make the federal government regulate state ballot-access laws, an attempt supported by the Libertarian Party.

PHILOSOPHY NUGGETS

THE THINKING MAN'S BIBLE

This 36 page report is packed with provocative ideas. Here is a sampling:

1. The communists are out to rule the world, and they are on schedule. We are the reluctant participants in an unwanted role; a life or death struggle (if we define death as total subjugation), and must keep open our option of a preemptive strike once our star wars program is in place. The Soviets are paranoid about our SDI (star wars), as well they should be. However, extreme actions may not be necessary if we form an alliance with China.
2. Interest charges, the bane of society, will over time polarize the "haves" and the "have nots". Interest should be abolished.
3. Religion, once used as a moral force, is losing its influence as supernaturalism becomes less palatable in an age of science and reason.

And we don't stop there!

Get through the mental maze of confusion by reading Samoht Givotangi, the iconoclast of the '80's who sees the world in a different light. Will you see the light?

THE MIND YOU SAVE MAY BE YOUR OWN.

Act now. Send for Philosophy Nuggets at the special introductory price of $6.95 to **Philosophy Nuggets, Dept. R-1, P.O. Box 7587, Daytona Beach Shores, FL 32016**

AUDIO-FORUM® offers the best in self-instructional foreign language courses using audio cassettes—featuring those used to train U.S. State Dept. personnel. We have 127 courses in 45 languages, so we must have what you need.

Learn a foreign language on your own! Free Catalog.

To get your copy:

Call toll-free 1-800-243-1234

or fill out and send this ad to –

Audio-Forum, Room K109
On-The-Green, Guilford, CT 06437 (203) 453-9794

Name

Address Apt. #

City/State/Zip

I am particularly interested in (check choices):

☐ Russian ☐ Greek ☐ Danish ☐ Finnish ☐ Japanese ☐ Spanish
☐ German ☐ Korean ☐ Mandarin ☐ Swedish ☐ Hausa ☐ French
☐ Hungarian ☐ Italian ☐ Dutch ☐ Other _____

letters

Unfortunately, the Constitution does give Congress the power to regulate how candidates can get onto the ballots in their respective states. But such a law would be most unwise, and any defender of individual liberty should certainly not encourage Congress to assume this power.

The issue is a proper balance of powers among branches of government. Concentrated power is always a threat to liberty.

W. Kent Dillon
San Jose, CA

Mr. Holzer replies: Most of the objections to my Viewpoint piece, although expressed somewhat differently, are really the same: since the Bill of Rights applies to the states, the Ninth Amendment does, or should, render Georgia's antisodomy law unconstitutional; federalism is at best inconvenient, at worst violative of individual rights. Regrettably—as the Bill of Rights' author, James Madison, would be the first to concede—the first nine amendments were never intended, and have never been held by the Supreme Court, to apply to the actions of state governments. Neither wishing nor Justice Black could ever make it so.

The only textual prohibitions on state power in the federal constitution, other than the now largely anachronistic proscriptions of Article I, Section 10, are the trio found in the 14th Amendment: due process, equal protection, and privileges and immunities. As to due process and equal protection, Prof. Raoul Berger's masterful *Government by Judiciary* has made it clear for all time that that dynamic duo was never intended to make the federal courts—especially the Supreme Court—into a legislature, judiciary, and executive of last resort for American constitutionalism, reigning supreme, through its "constitutional veto power," over the political and governmental processes of every state in the Union.

Those who believe otherwise understand neither the foundation principle of federalism nor its importance in helping to protect individual rights by decentralizing government power. It does not follow, in reason or in law, that invoking federalism in *Hardwick*, and thus turning a deaf federal constitutional ear to those attacking Georgia's presumptuous statute, approves either the sexual practices illegalized by the Georgia law or the statute directed against them. Indeed, eschewing a federal constitutional remedy in *Hardwick* takes no position per se on either sodomy or statism. It merely remands the ceaseless war between individual rights and collectivism to the state level where, for the most part, the framers intended most battles to be fought. (As Professor Machan perceptively recognizes, "a constitution of liberty is not the same as the U.S. Constitution"—which is the only one I was writing about.)

Those who, with attorney Klausner, wish to utilize 14th Amendment "privileges and immunities" power to invalidate the Georgia statute have a rough row to hoe. First, as Prof. Gerald Gunther of Stanford Law School has written, "The framers of the 14th Amendment had great difficulty in articulating any specific content for its broad phrases." Second, "in no part of the congressional debates on the Amendment is there greater evidence of vagueness and inconsistencies than in the discussions of 'privileges and immunities.' " Third, "the Justices of the Supreme Court have not been able to be much more concrete so far." Fourth, the Court's majority in the *Slaughter-House Cases* limited the clause's protection to rights deriving from national citizenship (for example, petitioning Congress)—a far cry from the claimed right of male homosexuals to engage in certain sexual practices.

Where, then, does that leave the embattled homosexuals and some result-oriented individualists? They have a simple choice. Either ignore federalism when convenient, aiding and abetting constitutional anarchy and ultimately making possible even more violations of individual rights by the federal government, or bite the federalism bullet, try to freeze federal power where it is, and wage the war against state violations of individual rights where it belongs: at state legislatures, in state courts, with state governors, and ultimately through the state electoral process.

Unfortunately, the road to liberty is a long, hard one. And, like the road to hell, it is often paved with good intentions.

Escaping Government Space Flight

In "Who Killed the Challenger 7?" (Editorial, Oct.), Robert Poole asserts that "no other manned launch system—even Soviet ones—had ever launched human crew members without any emergency escape system." Available evidence suggests otherwise. The Soviet *Voskhod* spacecraft was designed with no provision for emergency escape. Two manned missions were flown with *Voskhod*, in October 1964 and March 1965. For an account of *Voskhod*'s missions, see James Oberg's *Red Star in Orbit.*

I also found some of your remarks about the Rogers Commission regrettably unfair. On the whole, the report confronted the decisionmaking process with calm frankness. Although the commission could and perhaps should have gone farther to illuminate political interference in the program, it did not construe its mandate to require a detailed evaluation of the entire Shuttle system. The commission may be properly commended for what it accomplished, and then it is our job to place the tragedy in a broader context.

So long as space flight remains a government monopoly, politicization—with both its mere inefficiencies and its deadly hazards—is inevitable.

Gerry Uba
Chester, VA

Perfecting My Profile

Thanks for the profile article on me by Bill Kauffman ("Mr. Marrou Goes to Juneau," Oct.). It is quite well done and enjoyable. However, there are three factual errors in the article: I was born in south, not southwest, Texas; the secession argument was settled in 1865, not 1861; my "Good Samaritan" bill *did* pass both the House and the Senate and *was* signed into law by the governor.

Keep up the good work.

Andre Marrou
Homer, AK

Rent Control's Radical Results

Thank you for the excellent article on rent control in California, focusing on the insane situation in Berkeley ("Berkeley's Radical Slumlords," Oct.). A few additional points of interest, if I may:

First, Senator Petris is a radical left legislator, an added irony to his statements damning the way rent control is handled in Berkeley.

Second, rent controls punish most severely those owners who have been considerate of their tenants. In West Hollywood, there is an 88-year-old, sickly owner who cannot pay her medical bills. Her rents had not been raised in over 20 years when the rent-control bandwagon ran over her and West Hollywood joined "progressives" in Berkeley and Santa Monica in enacting rent control. She was recently turned down for increases of her rents, which are as low as $70 per month (and go only as high as $250) for one-bedroom apartments. The city found

that she was "receiving a fair return."

Third, rent control is not an issue infecting poor cities, only wealthy ones. Witness the cities in California where control has been passed.

Tenant radicals often say, "Housing is just too important to be left to the private sector." But it was *bad* government policies that led to the need for controls, and it is government controls that are making the problems *worse*. If you are looking for *worst*, turn over housing to the government. After all, that's the way they do it in the Soviet Union.

Joel Silverman
Beverly Hills, CA

Broken Recorder

Regarding Jeff Riggenbach's article on rent control, I have only one good thing to say: Thank God when Mr. Riggenbach came to interview me, his tape recorder was broken. Now my name nowhere appears associated with another hack attack on rent control.

Zona Sage
Oakland, CA

Ms. Sage was the first director of Berkeley's rent board.—Eds.

Principally Principled

I do not know for how many years I have been a REASON subscriber, but I do know that REASON is my favorite publication. I have subscribed to a great many publications over the years. At one time I subscribed to (simultaneously) *Mother Jones* and *National Review*. When I found REASON I knew I had found soul-mates, as it were. I am often amused at those who cancel subscriptions because of an article they found offensive or merely disagreed with. Clearly they are not employing enough "reason."

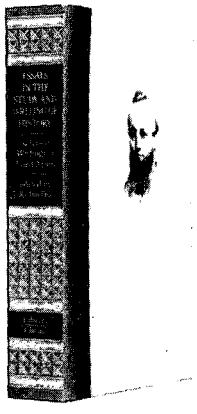
And therein lies the problem we face today: people whose principles will change depending on whose ox is being gored. They will doubtless insist that their principles are unwavering: they are for "good" things and against "bad" things. Trouble is, leftists might think capitalists, nuclear weapons, and Bible-thumpers are "bad" while rightists might think communists, pornography, and "recreational" drugs are "bad." *Each group is perfectly willing to bring the force of government to bear against its targeted "bad" things.* Censorship, for example, is okay with either group as long as only "bad" things are censored. They fail to realize that once government is granted the power to determine good from bad and to use state force to eliminate the bad, government is out of control.

By contrast, REASON recognizes that censorship of either the Bible-thumper or the pornographer is wrong. Censorship is wrong *in principle*.

It is good to see that REASON is being more widely circulated. The individualist message needs wider exposure. A recent letter to the editor of a conservative publication chided libertarians for "wanting to do whatever they want without having to accept any of the responsibility." On the contrary, libertarians, more than conservatives or liberals, want individuals held strictly accountable for their actions, unable to hide behind the skirts of regulation to protect them from competition or to pass off their own failings as failings of "society."

Warren Michelsen
Page, AZ

LibertyPress
LibertyClassics



SELECTED WRITINGS OF LORD ACTON
VOLUME II
ESSAYS IN THE STUDY AND WRITINGS OF HISTORY

By John Emerich Edward Dalberg-Acton
Edited by J. Rufus Fears

Lord Acton's concept of Liberty was the theme of the essays collected in the first volume of this edition, *Essays in the History of Liberty*. In this volume may be found the historical studies upon which Acton drew to explicate his understanding of the idea of liberty.

Writing on such diverse topics as the divorce of Henry VIII, Leopold von Ranke, and the History of the Papacy, Acton argued his position that history demonstrated progress and unity through the story of liberty.

Included here are Acton's most important historical essays from his days as a scholarly journalist and his famous Inaugural Lecture at Cambridge in 1895, "The Study of History."

These two volumes, edited by J. Rufus Fears, Professor of Classical Studies at Boston University, will be followed by a concluding volume entitled *Essays in Religion, Politics, and Morality*.

Hardcover $15.00 *ISBN 0-86597-048-3*
Paperback $ 7.50 *ISBN 0-86597-049-1*

Prepayment is required on all orders not for resale. We pay book rate postage on prepaid orders. Please allow 4 to 6 weeks for delivery.
All orders from outside the United States *must* be prepaid in *U.S. dollars*. To order, or for a copy of our catalogue, write:
LibertyPress/LibertyClassics
7440 North Shadeland, Dept. T125
Indianapolis, IN 46250

Don't Trade SDI—For Anything

Robert W. Poole, Jr.

Reykjavik was a failure, according to the media: in rejecting Mikhail Gorbachev's demand that the United States give up the Strategic Defense Initiative in exchange for the phase-out of land-based nuclear missiles (ICBMs), President Reagan missed the chance of a lifetime. Yet in contrast to the cries of failure from media commentators, public-opinion polls since the summit in Iceland have shown strong support for the president's decision.

For instance, a mid-October Harris survey asked respondents to choose between an agreement to eliminate all strategic missiles and proceeding with Star Wars. Only 36 percent opted for wiping out the missiles; 55 percent backed Star Wars.

But really, it's not so surprising to find popular support for relying on technology rather than pieces of paper to reduce the threat of nuclear annihilation. Several years of debate over SDI seem to have made Americans increasingly aware of their government's deliberate failure thus far to defend them against nuclear attack—with anything other than the threat of launching Armageddon. They have also seen repeated evidence that the Soviets will ignore arms-control treaties when it suits them.

The question is whether ordinary Americans' gut feelings are correct in this case. A lot of opinion makers contend that the greatest value or even the *only* value of SDI is as a bargaining chip to achieve real cuts in nuclear weapons. If so, then Reagan *did* blow it, unless he's just holding out for more concessions from Gorbachev & Co.

The argument for SDI as bargaining chip, however, depends on two key assumptions. The first is that a negotiated agreement to scrap, say, all U.S. and Soviet ICBMs would actually achieve that. The second is that SDI is unlikely to be effective, or effective at an acceptable cost, as a defense against nuclear attack.

The first assumption was challenged recently on the *Wall Street Journal* editorial page by nuclear-strategy experts Sam Cohen and Joseph Douglass. They pointed out a crucial fact that arms controllers have known all along but that hardly anyone else realizes: we really don't know how many missiles the Soviets have; we don't know where they are located; and we don't know how many warheads the missiles have.

The Soviets publish no figures on the number of weapons they've built. All arms-control discussions utilize estimates made by U.S. intelligence agencies based on what they can observe via satellites and other forms of technical data collection. These "national technical means" of collection measure things that can be observed, such as numbers of missile silos. As Cohen and Douglass point out, they do not and *cannot* measure the actual number of missiles produced and concealed in other locations. And, given the Soviets' historical reliance on deception and concealment, it is hopelessly naive to assume that the missiles that they allow us to see are all that exist.

The implications for arms-control agreements are very clear—but seldom acknowledged. If we go into negotiations with the "information" that the Soviets and we each possess, say, 5,000 strategic missile warheads, and we agree to the publicly observed scrapping of the entire lot, how likely is it that there would really be zero deliverable warheads left in the USSR? In such a situation, even the possession of 100 covert missiles would give the Soviets absolute strategic superiority. It is hard to imagine any form of on-site inspection that would enable U.S. observers to scour the entire land mass of the Soviet Union to make certain that no hidden missiles were left.

It becomes clear that, the greater the alleged reduction of offensive nuclear weapons, the more crucial will be the ability to defend against secretly retained missiles. So it could be suicidal to give up SDI in order to get a missile-reduction agreement that is likely to be false.

Given the Soviets' predilection for deception and cheating, the more reliable way to blunt the lethal threat of nuclear arms is to reduce their usefulness as offensive weapons. That, of course, is precisely what SDI aims to do. Even a crude first-generation defensive system, protecting only U.S. missiles (which are the Soviets' priority targets), would be able to intercept 50 or 60 percent of any attacking warheads. *That's the equivalent of a 50 to 60 percent reduction in the effective size of the Soviet force.*

But is it doable? Lots of people, including a number of outspoken scientists, insist it isn't. In fact, this second assumption of the SDI-as-bargaining-chip argument is vulnerable also. The basic elements of a first-generation, ground-based system to defend missile sites already exist and could be deployed right now (for example, the kinetic-energy interception system demonstrated in 1985's Homing Overlay Experiment and the High Frontier project's proposed Swarmjet missile-silo protector). The cost would be as little as $5 billion a year for four years—just two percent of the defense budget. To preserve their present strategic position, the Soviets would have to double their nuclear arsenal, at a cost they can ill afford. So it's no wonder that Gorbachev is trying so hard to stop SDI in its tracks.

For our government to sign away the ability to intercept and destroy offensive nuclear weapons would be to default on its primary function—that of protecting the lives and liberties of the citizens. Yes, nuclear weapons are terrible. Yes, we must strive to get rid of them or, if that is unrealistic, at least to reduce their numbers and destructiveness. But we dare not ignore the nature of the opponent that we face. Defensive systems cannot be a bargaining chip. They must become our primary form of protection in a dangerous and risky world—a world that may be even more risky in an era of negotiated arms reductions. ◻

CAL-LIB '87

NATHANIEL BRANDEN ED CLARK ROBERT HESSEN JOHN HOSPERS
DAVID BERGLAND ROBERT POOLE MURRAY ROTHBARD POUL ANDERSON
ERIC DREXLER RON PAUL JEFF RIGGENBACH and many others will present:

SCENARIOS OF FREEDOM

SAN FRANCISCO February 13-16, 1987 (Washington's Birthday Weekend)

A Libertarian Party convention is NOT like any other political convention.

--It's a miniature university and ALL the instructors are the finest you'll find anywhere.
--It's a marketplace of ideas, including the most advanced ideas of our time.
--It's a place to meet people, some of the most adventurous, ambitious, and dedicated people in the nation.

HERE ARE SOME OF THE HIGHLIGHTS:

THE POLITICAL CONVENTION. The Libertarian Party has no closed meetings and no secrets. Watch delegates shape new directions for what continues to be the largest and fastest growing U.S. third party.

SCENARIOS OF FREEDOM. The finest pro-freedom minds in the U.S. will describe their visions of liberty and their strategies for creating a free world.

OPEN FORUM. Open meeting rooms for anyone who wants to present ideas and information or hold special interest group meetings.

INTRODUCTIONS AND NETWORKING. Want to get research contracts with think tanks? Want to learn how to get published by USA Today, Reason, or the Wall Street Journal? Find jobs with Libertarian enterprises? Talk one-on-one with Party leaders and past presidential candidates? We'll help you arrange it at the convention.

FAR-REACHING IDEAS AND INFORMATION: How advanced computer technology threatens Communist Party authority in the Soviet Union...The gravest dangers to U.S. human rights in generations and how activists plan to stop them....Advances in privatization that are creating hundreds of new kinds of careers...The unexpected impact of Libertarianism in the Soviet Union, South Africa, China, and Europe... Why social scientists consider Libertarianism to be a "Megatrend" with enormous and growing influence.

THE COMPLETE CONVENTION PROGRAM INCLUDES:

____ Over 30 speaker programs to choose from
____ 3 breakfasts, 3 lunches and banquet dinners on Saturday and Sunday
____ Receptions and parties
____ Freedom Expo--the greatest exhibit ever held of pro-freedom products and educational materials

OPTIONS OF ENROLLMENT:

____ COMPLETE CONVENTION PROGRAM--all events and meals--$175 before December 31. Final price will be $195.
____ $98 FOR ALL THE SPEAKER PROGRAMS (WITHOUT MEALS).
____ SPECIAL GUEST AT HALF-PRICE OPTION FOR REASON READERS: You can add one guest enrollment at half price for speaker programs. Include the additional name and address on enclosed coupon. $49. December 31 deadline.
____ DELEGATES PACKAGE--$98 FOR ALL MEALS AND MEAL SPEAKERS ($120 after December 31).
____ STUDENTS AND FACULTY. High school students, college undergraduates, and faculty can attend all non-meal events for $10 per day. Send photocopy of student registration card or faculty identification with your enrollment.

The convention is coordinated by Fred Stitt of Guidelines, Box 456, Orinda, CA 94563. Questions? Call convention co-coordinator Linda Torno, 415-254-9393.

HOTEL INFORMATION:
A block of sleeping rooms has been reserved with the convention hotel, HOTEL CLARION, near the San Francisco International Airport, 401 E. Millbrae Avenue, Millbrae, CA, 94030, 415-692-6363. Mention "CAL-LIB" group when you call.
Reserve early to assure a room and make airline reservations early to take advantage of 30-day or 15-day advance purchase discounts.

Send to: CAL-LIB '87, Box 749, Orinda, CA 94563.
Make checks payable to "CAL-LIB/Guidelines." If charging on Visa or MasterCard, include expiration date along with card number.

____ Complete convention program package--all events and meals--$175 before December 31, $195 final price. $_____
____ $98 for all speaker programs--without meals $_____
____ One guest at half price for speaker programs only--$49 (offer ends December 31). $_____
____ $98 for all meals and meal speakers ($120 after December 31). $_____
____ Students and faculty, $10 per day per person (without meals). $_____
TOTAL $_____

Name_____
Address_____
Guest/other names_____

brickbats

Here are a few gems from a recent symposium on presidential humor. Comedian Pat Paulsen says all important documents from the Gerald R. Ford administration are stored in a museum in Michigan—"in a Dixie cup." Political cartoonist Jeff MacNelly faces a moral dilemma when he votes: "You have one guy who is good for your country and one guy who is good for your business." And prominent attorney Edward Bennett Williams succinctly defines politics as "the gentle art of getting votes from the poor and money from the rich by promising to protect each from the other."

"Just a little off the top, please." Builder Albert Ginsburg went through the required rigamarole of securing permits on top of licenses on top of certificates in order to construct a 31-story apartment building in New York City. His plans were approved ad nauseam by the Buildings Department. But then a local community group pointed out that the building violates a 1973 zoning regulation limiting new construction in the neighborhood to 19 stories. What's the solution? The city Board of Standards and Appeals says the top 12 floors must be removed. Ginsburg vows a court fight, but he won't be able to collect any rents until the dispute is resolved. And city officials wonder why there's an apartment shortage in New York!

So you thought the U.S. Postal Service was on an austerity program? Not in Beverly Hills. The newly opened post office provides *valet parking.* Private employees wearing white shirts, black pants, and bow ties will park your car and retrieve it for a 50-cent fee. Valet parking is included in the Postal Service's $20,000 monthly rent. But that's only one of several classy touches. The building exterior boasts lots of smoked glass, with an emblem of an eagle embedded in plush gray carpet outside the front doors. A sight to behold, but does a letter get delivered any faster? One simply doesn't ask such questions in Beverly Hills.

President Reagan is doing a wonderful job of promising simultaneously to bring farmers into the free market and to protect them from it. His supposedly reformed farm-subsidy program cost $35 billion in fiscal 1986. That's double the estimates he made earlier in the year and eight times the average annual cost during the administration of peanut farmer Jimmy Carter. A Government Accounting Office survey of farmers' income-tax returns disclosed that three-quarters of them had underreported their subsidy payments by an average of 80 percent. Yet the farmers continue to whine. Is Willie Nelson listening?

"YOU UP THERE! TRYING TO DUMP FOREIGN PRODUCTS ON DOMESTIC MARKETS, EH? WE'LL SEE ABOUT THAT! COME DOWN WITH YOUR HANDS UP!"

The city of Yuma, Arizona, has no buses or subways. A private bus system was launched last year, but the venture flopped for low ridership. So naturally, the federal Urban Mass Transit Administration has awarded the community a $264,000 grant, which Yuma neither requested nor needs. But the bureaucrats say use it or lose it. So Yuma is swapping the funds for lottery money collected by the city of Phoenix. Yuma's money will probably be spent on highway improvements. Wouldn't it have been easier if the federal government bought bicycles for everyone?

Is there any endeavor or human activity that isn't subject to foolish litigation or demands that the government become even more meddlesome than it already is? Apparently not. Complaining that the pricing policy at a California nudist camp takes the shirt off men's backs, a Pasadena man is suing the camp for sex discrimination. Alejandro Crespi alleges that Elysium Fields violates the state's civil-rights law by charging men more than women to cavort in the nude on its secluded grounds. The camp defends its sliding scale of fees in the hopes of getting a better balance between the sexes. About 60 percent of the facility's members are men. This cheeky lawsuit ought to be dropped in a flash.

New Mexico has been part of the United States since 1912, but that's apparently news to the U.S. Treasury Department. Former New Mexico Gov. David Cargo received a letter from the department that said he will have 30 percent interest deducted from his Treasury notes because he is a citizen of New Mexico and not the United States. The letter was signed by William Weatherall, a securities analyst employed by the feds. "The thing that worries me is that Weatherall handles millions of dollars in notes," says Cargo. The former governor finally got it straightened out. But he wrote to Weatherall, "I can only suggest that you acknowledge the existence of life west of the Potomac. We are right here on the Rio Grande."

—Mark Edward Crane

TAX REDUCTION FOR THE PRIVATE INDIVIDUAL AND THE BUSINESSMAN

THE CONTRACTUAL COMPANY is Best for: Tax Avoidance, Investment & Business Services

The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited.
— Judge Brown in Hale v. Henkel 201 U.S.74 3/12/1906

Anyone may so arrange his affairs that his taxes shall be as low as possible; he is not bound to choose that pattern which will best pay the treasury. There is not even a patriotic duty to increase one's taxes.
— Judge Hand in Helvering v. Gregory 69 F 2d. 810 (1934)

Achieve ...

I — Continuity of Existence
II — Limited Liability
III — Centralized Management
IV — Flexibility

Avoid Probate, Death and Inheritance Tax and Capital Gains Tax; Reduce Income Tax

Write or Call for Information

International Societé Of Independent Business Administrators
Information Center For The Pioneers Of The Offshore Contractual Company
P.O. Box FH 14547 Nassau, Bahamas • (809) 322-8445, 322-8446, 322-8447, or 324-2787

Secrets Of Tax Havens

by Robert Chappell

Introducing... A Legal Method That Has Been Working Effectively For Generations

- Money savings previously known and used only by the "Super-Rich"
- Avoid death and inheritance taxes
- Eliminate the necessity for a Will
- Avoid probate & Reduce income tax
- Avoid Capital Gains taxes
- Protect property against seizure, confiscation, liens, and judgments
- Contractual companies, key business forms and their use explained

Send $9.95 Plus $1.25 Postage & Handling

About The Author:
Robert Chappell is a self-made success story. He has founded and served as president of two insurance companies and is a recognized expert in legal tax avoidance. Mr. Chappell has resided in many foreign tax haven jurisdictions, is well versed in tax law, and has been the successor in many battles with the I.R.S. He possesses an unusual knowledge of tax matters, from both practical experience and training.

Mail order to:
ABM Publishing Company
P.O. Box 10 • Orinda, CA 94563

Please send ____copies of **SECRETS OF TAX HAVENS** @ $9.95 each plus $1.25 postage & handling. 10/$70.25 postpaid 100/$597.00 postpaid

Name _____

Address _____

City, State, Zip _____

R

Another Place and Time...

Turn back the clock to a time of charm, comfort and serenity. To a place that captures Eleuthera at its best... including views of ancient cliffs and the timeless ocean.

Located on the outskirts of beautiful Rock Sound, The Rock Sound Club rekindles the refreshing, easy ambience once enjoyed by Colonials and Eleutherian Adventurers alike... an enchanting treat for today's vacationers who appreciate turn-of-the century charm and hospitality along with present day conveniences.

Learn about tax reduction for the private individual or the businessman and enjoy the Bahamas while attending tax-deductible Financial Planning Seminars. Only $85.00 single or $135 double, includes room and meals.

The Rock Sound Club
Hotel and Restaurant

(809) 322-8445, 322-8446, 322-8447, or 324-2787
Call or Mail Coupon For Information:
P.O. Box FH 14547 Nassau, Bahamas

Please send information on: ☐ Financial Seminars ☐ Contractual Companies

Name _____

Address _____

City, State, Zip _____

Phone: _____

R

trends

Courts to State: You Want It, You Pay for It

Tehama County, California, planners had a vision of the good life. So, like planners everywhere, they decided to make their vision law.

They dictated exactly what direction new homes could face. And how many windows they could have. What sort of paint could be used. And which homeowners could have wood stoves. They decreed that every home should have a water meter. And they made the citizens of Tehama County very mad.

So mad, in fact, that the citizens decided to put a stop to all that planning. A small group of property owners wrote a ballot initiative forbidding the county to impose any land-use restrictions other than those already established by state and federal law. Even more notably, the initiative required the county to pay for any drop in property values caused by restrictions for historical, archaeological, or "open space" reasons.

The initiative passed, but the county board of supervisors refused to obey it. The property owners sued and, after a ferocious legal battle, won on appeal. The victory "could be the spark of a bonfire," says Ronald Zumbrun, president of the Pacific Legal Foundation, which represented the initiative's supporters. Especially if combined with other sparks.

In another California case argued by Zumbrun's organization, a federal appeals court has paved the way for the owners of Santa Barbara mobile-home parks to demand compensation for property rights lost because of a very restrictive rent-control ordinance. Judge Alex Kozinski (see Spotlight, Aug./Sept. 1986) wrote the decision for the Ninth Circuit Court of Appeals, one of the most influential federal courts.

The city's mobile-home rent control, he ruled, amounted to a "physical invasion" of property by city authority and therefore could be subject to compensation claims as in eminent-domain cases. Until now, rent control and other use restrictions on property rights have been considered "regulatory" taking, which almost never requires compensation, according to the courts. Mobile-home park owners would still have to bring suit specifically to claim compensation.

Legal theorists, most notably Richard Epstein of the University of Chicago, have been arguing for some time that land-use restrictions amount to legal "taking" by the state and should therefore be paid for. In these recent decisions, the courts have taken tentative steps toward acceptance of this philosophy in practice. The Santa Barbara case, Zumbrun told REASON, "sets us up with a precedent to make the argument" in future cases.

"At the Pacific Legal Foundation, we're looking for straws in the property-rights field—and that's a big one."

Profiting from Postal Service Imperfections

Ingenuity can't be squelched by the state. Even though the U.S. Postal Service is the only entity allowed by law to provide nonexpress letter delivery, entrepreneurs keep finding ways of getting in on the act. In the process, they're filling in the cracks—and gaping holes—in Uncle Sam's service.

Reed Watkins, for example,

Mail entrepreneur Reed Watkins: *profiting from the cracks in Uncle Sam's service*

has devised a simple way to make a buck in the postal business. He collects household mail in and around Salt Lake City, hands it over to the Post Office for delivery, and turns a profit. How? By using the Postal Service's bulk rates.

Through market research, Watkins discovered that 90 percent of household mail is bills, most of which go to the same places—utility companies, phone companies, credit card companies, etc. So he put his finding to good use by starting Mail America.

Mail America sells its own cut-rate postage stamps: 20 cents for a personal letter, 15 cents for a bill. The company collects mail from 100 Mail America boxes located in grocery stores and shopping malls. After sorting it by destination, the company then puts all the mail going to the same address —Visa, for example—in one big envelope, applies the Post Office's bulk-rate postage, and drops the envelope in the mail. The bulk rate costs Mail America only a fraction of what the company receives from selling its own postage. Although the company takes a 2-cent loss on personal letters and other items mailed singly, it makes up for this through the bulk-rate savings. And households save money compared to USPS rates.

Predictably, Watkins's cleverness earned him the wrath of the American Postal Workers Union. Soon after Mail America began operating five years ago, the union brought a suit against it, claiming the company violated federal laws that give the Postal Service a monopoly on nonexpress letter delivery. "This is the first company we've found going after the household market, and we were afraid of the precedent," union lawyer Anton G. Hajjar admitted to the *Washington Post*. "When these minimum-wage operations come in and start sorting mail, that leaves less work for our employees."

But Mail America has gone right on doing its thing. Although a district court ruled against Watkins in 1984, a circuit court of appeals reversed the ruling last summer and declared his business legal. Mail America now processes about 6,000 pieces of mail a day. With the lawsuit behind him, Watkins expects finally to break into the black and then to expand his operations to Denver, Phoenix, and eventually every city in the country.

While Mail America reduces the costs of using the Postal Service, the Pak-Wrap Mail Center, in Arabi, Louisiana, extends its services. Pak-Wrap, like the Postal Service, mails packages. But it does more: it *wraps* them. And like most of the 3,000 commercial mailing services operating today, Pak-Wrap also offers mail boxes for rent, provides a call-in service for checking for mail by phone, and sends and receives packages through the Postal Service and private carriers.

The business of improving upon the Postal Service can be lucrative. Consolidated Services Corp., a commercial mailing service based in Las Vegas, Nevada, grossed $3 million in its first nine months of operation and is now establishing up to a dozen new locations in Utah.

It's true that private enterprises are still prohibited from offering the most basic service

of all: delivering mail. Still, the existence of so many companies in the business of making postal service cheaper, more convenient, and just plain better must make the mail monopolists pretty uncomfortable.

Taxpayers Rate with Washington's Newest Raters

Each year dozens of special-interest groups, from the American Association of University Women to Zero Population Growth, rate members of Congress on how well they hew to some ideological line. Indeed, the handy compendium *How They Rate*, which compiles such measures, checked in at a bulky 1,013 pages last year.

So when an organization announces that it's joining the ratings game, we usually try to stifle our yawns. But the latest kid on the grading block—the Washington, D.C.-based Competitive Enterprise Institute—is different. The CEI is scoring members of Congress on how well their votes reflect support for a free market.

The CEI's first index (it promises to be annual) assigned ratings to members of the 99th Congress on the basis of 57 Senate votes and 55 House votes. Votes for free trade, deregulation, privatization, elimination of subsidies, lower tax rates, and less federal intervention in the economy constituted the CEI's criteria.

Going to the head of the class, perhaps not surprisingly, were a pair of former economics professors: Sen. Phil Gramm (R-Tex.) at 96 percent and Rep. Richard Armey (R-Tex.) with 98 percent. Other notable House scores: Ed Zschau (R-Calif.)—96 percent, Jack Kemp (R-N.Y.)—73 percent, Newt Gingrich (R-Ga.)—74 percent, and, on the other end, Jim Wright (D-Tex.)—13 percent, and Les Aspin (D-Wis.)—18 percent.

Senate heavyweights and how they rate: Jesse Helms (D-N.C.)—91 percent, Bob Dole (R-Kans.)—81 percent, William Proxmire (D-Wis.)—54 percent, and old reliable Ted Kennedy (D-Mass.)—34 percent. The average grade in the Senate, 50 percent, was slightly higher than the House's average 42 percent.

It is important to note that the CEI *did not* include votes on defense and foreign-policy-related spending, which accounts for about one-third of the federal budget. Nor did it include non-economic issues on which members of Congress have an opportunity to display their commitment or lack thereof to individual freedom.

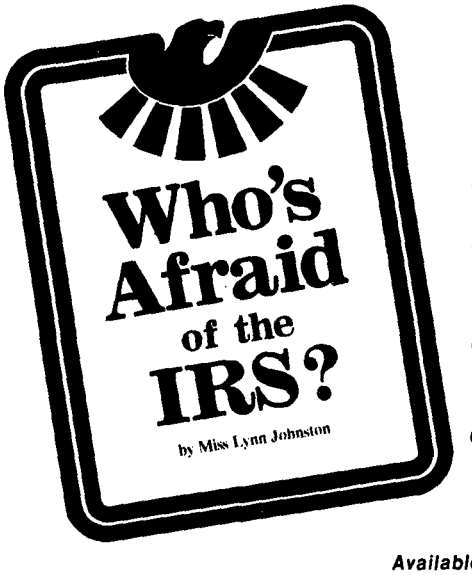
Still, how refreshing to see economic common sense being rewarded and to know that taxpayers at least rate with someone in Washington.

Take Two Aspirin and Call Us When the Regulation Fails

It seemed like such a simple, no-fail solution to the problem of child poisonings: require aspirin makers to put safety caps on their bottles. Children wouldn't be able to open the bottles, poisonings would decrease, and everyone would be happier. What could go wrong?

According to a study in *The Journal of Law and Economics* by W. Kip Viscusi, professor of economics at Northwestern University, almost everything

FACE THE IRS – AND WIN!



New Edition—
Packed with Hard-Hitting Information!

Who's Afraid of the IRS? demonstrates how one person, determined to live as a free individual, can successfully battle the IRS and other government authorities to a standstill. This new edition contains a wealth of practical information as well as useful historical background data—all presented in a free-flowing, enjoyable, and highly readable style and format. Plus it contains enlightening descriptions of Miss Lynn Johnston's own battles with the IRS—battles she has consistently won, and for which she has earned a nationwide following.

ORDER TX 0385 **Only $12.95**

★ ORDER TOLL-FREE ★ 1-800-238-2200 ext 500 ★

Charge your VISA or MasterCard • Continental US • 24 hours a day • 7 days a week
OR **USE THE POSTAGE-PAID RESPONSE CARD IN THIS MAGAZINE**

MONEY BACK GUARANTEE if for any reason you are dissatisfied with any book, just return it within 30 days for a refund.

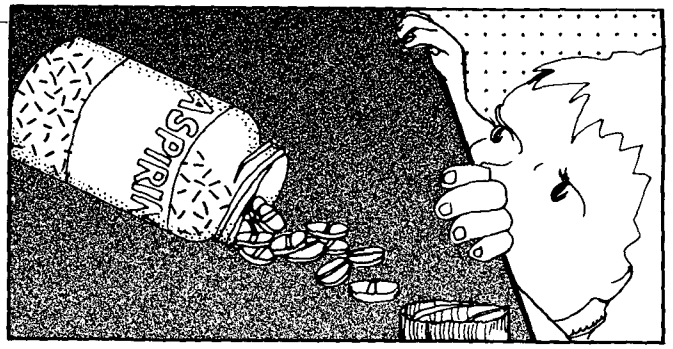
Available from: LAISSEZ FAIRE BOOKS **, Dept. RC7, 532 Broadway, New York, NY 10012**

This book offers valuable reference material as well as good reading, and includes a comprehensive collection of legal documents, forms, and sample communications that can be used directly. You'll find yourself turning to this book often—and appreciating the spirit of independence and liberty that underlies its compelling message.

went wrong. The regulation failed to improve the safety of aspirin; in fact, after safety caps were introduced, the number of child poisonings actually *increased.*

For starters, the caps didn't keep kids from overdosing on aspirin. Viscusi found that from the advent of safety caps in 1972 to 1978, the fraction of all aspirin sold in safety-cap bottles remained constant, but the relative share of poisonings from these bottles rose from 40 to 73 percent.

Why didn't the caps work? Viscusi offers two possible explanations. First, consumers might think the caps are child-*proof* rather than child-resistant and thus are less careful about keeping safety-capped products away



global trends

Sweden No Eden, but Strange Exchange Laws in for Change

LINKOPING—Swedish foreign-exchange restrictions, introduced at the outbreak of World War II in 1939, seem to be on their way out. Swedish Treasury officials have hinted that most of the restrictions may be axed in the near future.

There are numerous restrictions on foreign currency here, making the system a pain for everyone except exemption-granting bureaucrats. Until a few years ago, Swedes traveling abroad were not allowed to take more than 6,000 crowns ($850) out of the country. But you could always just take your credit card, which is free from restrictions. Then the 6,000-crown limit was doubled—but the increase was valid only in foreign currency.

Customs angered many Swedes by conducting a national shakedown of travelers in February 1982, searching 15,000 people crossing the border. Several were found to have in excess of 6,000 crowns in the wrong currency mix. What a severe violation of the law! The director general of the customs office refused to apologize to the 15,000 travelers who were inconvenienced.

Swedish companies making investments abroad have been forced to borrow all the money for their investments in the international capital market. Thus Swedish subsidiaries abroad generally have weak balance sheets, with very high debt-to-equity ratios, and the parent Swedish companies pile up excess liquidity at home. And the economy suffers.

Restrictions on foreign investment have prevented Swedish businesses from making profitable deals and Swedish investors from making profitable investments. It seems that the only people who have benefited from the exchange restrictions have been the well-paid bureaucrats who administer them. Now that repeal of the laws is being proposed, finding the bureaucrats new jobs looks like the only thing standing between Sweden and more freedom, at least on this issue.

—Carl G. Holm

Mexico Slows Rate of State to Offset Debt

MEXICO CITY—Mexico's problems are nobody's secret: over 100 percent inflation, a $110-billion foreign debt, chronic unemployment for one-quarter of its population, falling oil prices, a collapse of its exchange rate, and an economy dominated by a huge, inefficient, and very expensive public sector. Nevertheless, there are signs of hope.

Since 1985, the Mexican government has sold, transferred, or closed more than 100 state-owned concerns. Price controls have been eliminated. A spending freeze has helped reduce the deficit from 20 percent of revenue to 10 percent. (Tax increases have had the same objective.) Inflation, though very high, has remained stable.

Mexico's principal problem continues to be its foreign debt. Yet the realistic and innovative approaches that President Miguel de la Madrid has taken to ease the debt crisis are providing foreign creditors with a hopeful respite.

For example, when Nissan Motor Co. wanted to expand its Mexican operations, it first bought $60 million worth of Mexican government debt from a U.S. bank, paying only $40 million for it because of the risk of Mexican default. Nissan then resold the debt to the Mexican government for $54 million in local currency, which it promptly invested in its automotive plants. So Nissan obtained its investment money at a bargain, the Mexican government liquidated its debt for less than it had to without hard currency loss, and an American bank rescued a bad loan without help from the U.S. taxpayers.

There have been 23 such debt-for-equity swaps in the last two years, ridding Mexico of $350 million of international obligations, and plans are under way for an additional $1.2 billion. Though these numbers may seem small when compared to the total debt, specialists estimate that within 10 years a full 20 percent may be paid this way. "It is very exciting," says Pedro Kuczynski, a Latin specialist at First Boston Corp. "Debt-for-equity swaps reduce the interest bill of the country, and they bring in significant amounts of foreign exchange.

Even greater debt could be swapped through a recent Mexican proposal to the World Bank: the sale of partial ownership in some of the country's state-owned companies. Interested creditors might receive stock in profit-prone companies and thus get the opportunity to influence managerial decisions. These ventures would presumably be streamlined and modernized, though the government would retain majority control.

The project is not as unattractive as it might seem at first sight. With an ever-growing population (80 million and counting), an industrial plant that is among the largest in Latin America, an elaborate transportation and communications network, and a next-door neighbor that is the largest free society and market in the world, Mexico could occupy a leading position among the world's economic powers in a matter of years. Private ownership of important industries, whether foreign or domestic, could very well be the key.

from kids. Second, as anyone who's ever struggled with his Bayers would easily believe, the caps are so darn hard to get off that once the consumers succeed they may simply leave the caps off.

What about the overall rate of safety-cap poisonings? In his analysis of 19 products (including aspirin) that use safety caps, Viscusi found *no* significant decrease in poisonings. In fact, after safety caps came into use, poisonings from *non*-safety capped analgesics increased. An additional 3,500 children under the age of five suffered analgesic poisonings between 1971 and 1980. Viscusi attributes this to a spillover effect: safety caps on some medicines made consumers more careless with the other medicines stored with them.

Summarizing his findings in the journal *Regulation*, Viscusi concludes that "government regulations...may have unintended effects to the extent they lull consumers into a false sense of security and thus lead them to reduce their own precautions. This lulling effect may diminish or offset any beneficial effects of the regulation and ultimately may lead to net adverse consequences for consumer health and safety."

We hope this gives the regulation-happy crowd a big headache.

—Robert W. Poole, Jr., Lucy Braun, Bill Kauffman, and Virginia I. Postrel

global trends

At any rate, President de la Madrid is running out of options. He got a taste of the popular mood when he was jeered in front of a worldwide audience at the opening of the World Cup last year, and the papers are more critical than ever before. The government has silenced a national news magazine and a few local papers, but censorship will create more problems than it will solve. New and creative approaches to the foreign debt, as well as to privatization and the size of government, will determine whether Mexico's future is one of sound growth or political debacle.

—Julio A. Marquez

BOB BANGHAM

Cory, Cory, Hallelujah

MANILA—In an effort to reduce the budget deficit, raise cash, and minimize competition with the private sector, Philippine President Corazon Aquino has approved the sale of 87 of the 214 nonfinancial government corporations recommended by a government body, the Committee on Privatization.

Heading the list are Philippine Airlines, the National Steel Corporation, the National Oil Company, Metro Manila Transit, and the Manila Hotel (site of the failed coup attempt by former President Marcos's running mate, Arturo Tolentino).

Government corporations had grown from 75 in 1970 to 250 in 1985; by the end of 1984, their combined assets were more than $14 billion. The sale of these 87 is reportedly the beginning of a program to promote "private enterprise with a conscience." Says Finance Minister Jaime Ongpin: "The government should get out of business completely—privatize."

Mrs. Aquino's administration has also announced a program for the conversion of Philippine external debt into equity investments. The Philippine government suffers from a $26-billion debt inherited from the Marcos regime. It is also saddled with hundreds of companies taken over because of loan defaults. These companies were usually troubled firms run by Marcos cronies.

In an effort to turn these companies into productive private enterprises, as well as trim debt obligations (now consuming nearly 50 percent of foreign-export earnings), Mrs. Aquino's government has established a debt-for-equity program similar to those in Chile, Argentina, and Mexico.

Foreign creditors and individual investors can take advantage of the program. Firms availing themselves of the new Philippine program so far include American Express, Abbot Enterprises, and Ciba Geigy AG, a Swiss pharmaceutical concern that turned a $3-million loan into new equity in a Manila manufacturing plant.

—Daniel L. O'Neal

Pole Poll on State's Role

THE HEAVILY CATHOLIC population of Poland is experiencing a crisis of faith—its young people are abandoning belief in socialism.

University of Warsaw sociologist Stefan Nowak has, for several years, kept his finger on the pulse of Poland's youth. His most recent study, published in the samizdat publication *Kontakty*, reveals that Polish students no longer believe overwhelmingly that government control of the economy is desirable.

Nowak's findings, reported in *The Chronicle of Higher Education*, include:

- Only 4 percent of Warsaw college students surveyed want the world to move toward "the kind of socialism existing in Poland." That's one-seventh of the 28 percent who endorsed Polish socialism in 1978. And although 43 percent today wish the world would "develop toward some kind of socialism," the corresponding figure in Nowak's 1978 survey was 66 percent.
- In 1978, only 16 percent of the students supported private initiative in large-scale agriculture; that figure is now 62 percent.
- Even the cornerstone of industrial socialism, heavy industry, is being reexamined. Now, 12 percent support private enterprise in that area, a significant increase over the measly 2 percent in 1978.

It seems that Poland's socialism is casting a pall over life in general. Large numbers of students have lost hope in their own and their country's future. Just 29 percent believe they will get good jobs upon graduation, and only 63 percent—compared to more than 80 percent in earlier surveys—would "most like to live permanently" in Poland.

The report says, in language perhaps stolen from Sylvia Plath, that increasing numbers of young Poles suffer from "existential neurosis rooted in the sense of life's meaningless." A more damning indictment of the effects of socialism on the soul has seldom been heard.

FIRST THE GOVERNMENT PERSECUTED THEM. THEN THE MORMON ESTABLISHMENT TURNED AGAINST THEM. BUT THROUGHOUT THE WEST, MORMON POLYGAMISTS, TAX REBELS, AND HOME SCHOOLERS ARE FIGHTING TO FOLLOW THEIR CONSCIENCE.

The Mormon Underground Fights Back

by Gerald M. King

"WE'RE MOVING," said Roy Potter. "We've been receiving more threatening telephone calls. I can take care of myself, but I don't want the children involved." Boxes were packed and waiting in his modest home in a suburb of Salt Lake City. With a touch of bitterness in his voice Potter added, "There are some groups of people here who claim to be for liberty but are upset about what I've been doing to promote a better understanding of it."

What Roy Potter has been doing is publicly defending his right to practice polygamy, or "plural marriage," as it is often called. An estimated 30,000-50,000 people are engaged in plural marriage in the western United States, most of them in the Mormon stronghold of Utah. Potter and the other polygamists are on the front lines of what investigation shows is a growing movement within Mormon culture against the expansion of state authority.

Royston E. Potter converted to the Mormon Church in 1971, at the age of 18. He attended Ricks College, a Mormon-operated school in Idaho, and graduated from Brigham Young University in 1976 with a degree in justice administration and law enforcement. He joined the Murray, Utah, police department and served, from all reports, with distinction.

But Potter, who looks about as clean-cut as they come, had become involved in 1979 in fundamentalist Mormonism, a growing underground movement that preaches, among other things, a return to Mormonism's polygamist roots. Roy took two wives, Vera and Mary, and the family today has eight children.

In 1982, an anonymous caller informed the Murray Police Department that Potter is a polygamist. This element of his religious belief must be practiced furtively to avoid

Alex Joseph and his nine wives: "We want to be left alone to live our lives and to do things that we can't do in other places."

the long arm of the law. Potter was not arrested, but he was fired from his job and excommunicated from the Church of Jesus Christ of Latterday Saints (LDS)—commonly, the Mormons. The (LDS) church is the dominant social force in Utah, claiming over 70 percent of the state's 1.5 million residents, and excommunication and the resultant ostracism is a serious matter.

JOSEPH SMITH, a 25-year-old backwoodsman, founded the Mormon church in 1830 in upstate New York, site of great moral and religious ferment in those days. The church's first "prophet, seer, and revelator" stated that the Angel Moroni had appeared to him in a vision and showed him a sheaf of gold plates, on which was revealed the true history of the people of the North American continent.

Smith soon published the *Book of Mormon* and began proselytizing! He foretold the pending apocalypse and the fall of all established churches and governments. He preached that the righteous must emigrate from "Babylon" to "Zion," the homeland of his people, to wait for the millennial return of Christ.

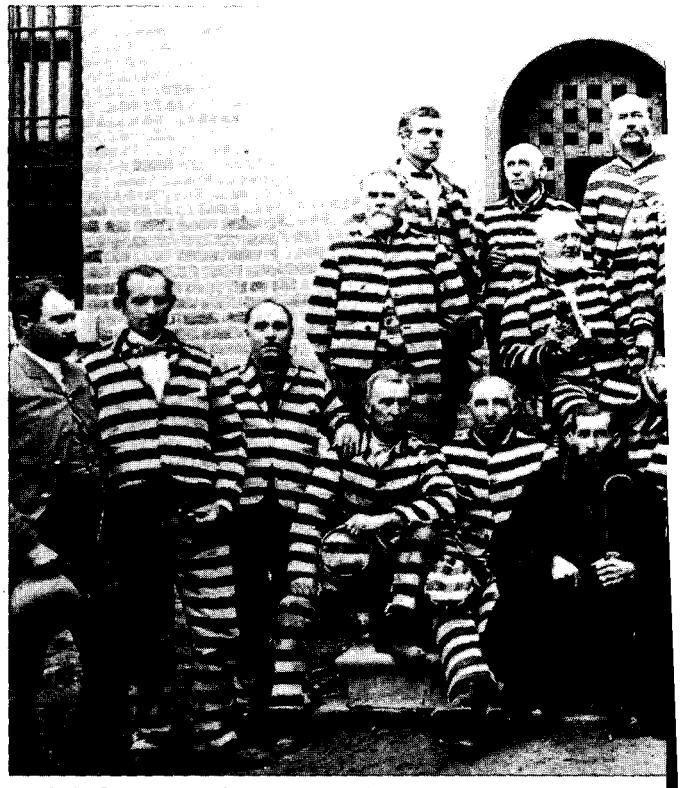
A new social order was also revealed to Smith: "celestial marriage," or polygamy. Smith entered into a plural marriage in 1835, though he didn't reveal this to close associates until 1843. "The objective of celestial marriage in the mind of Joseph Smith is not clear," wrote historian Nels Anderson in 1942. "Except in terms of beauty or some other intangible value, polygamy is not explained." But it became an identifying tenet of the Mormon faith. Roy Potter's plural marriage would hardly have raised an eyebrow in those days, let alone put the church elders in league with the government.

The Mormons learned early not to trust government. Between 1835 and 1845, they were driven out of settlements by mobs and governments in Ohio, Missouri, and Illinois. Wrote historian Anderson: "During that period the church met with resistance and persecution experienced by no other group, political or religious, in American history."

After Joseph Smith was killed in a Carthage, Illinois, jail in 1844 (he was set upon by a mob after ordering an anti-Mormon press destroyed), leadership fell to Brigham Young, who directed the flight of "the Saints" westward. They settled in 1847 in the area around what is now Salt Lake City, which at that time was nominally Mexican territory. The area was ceded to the United States the next year by the Treaty of Guadalupe Hidalgo, and "Deseret"—"honeybee," in Mormon folklore—petitioned for admission to the Union. In 1850, Utah (fed-

PHOTOGRAPHS-GEORGE T. KRUSE

JOHNSONS
PORTRAIT COLLECTION
BRIGHAM YOUNG AND HIS WIVES.
COPYRIGHT 1898 BY THE JOHNSON CO., SALT LAKE CITY, UTAH.
INFRINGEMENTS WILL BE RIGIDLY PROSECUTED.



At left, Brigham Young—who led his people westward to temporary freedom—and his twenty-one wives. Above, Mormon polygamists in the Utah territorial prison. Seated in the center is George Q. Cannon, Brigham Young's counselor who was denied his seat as delegate to Congress.

eral officials looked askance at the Mormon word *Deseret*) was granted status as a U.S. territory. Mormon leader Brigham Young was appointed territorial governor by President Millard Fillmore.

After Young made public the Mormon practice of plural marriage in 1852, Utah-bashing became a popular political pastime. The new Republican Party campaigned in 1856 against the "twin relics of barbarism" —slavery and polygamy.

In 1857, President James Buchanan dispatched 4,000 troops to remove Young as territorial governor and install a new, non-Mormon governor, Alfred Cumming. Federal officials worried that Young, who eschewed legislative formalities in favor of town-meeting-style government, was "an absolute dictator." Rumors of polygamous behavior and "secret oaths" binding Mormons to Young were rife. Finally, as federal judge W. W. Drummond charged, "Federal officials are insulted, harassed, and annoyed...and are forced to listen to Mormons condemning the Government."

Mormon guerrilla fighters kept the U.S. Army troops at bay in the rugged mountains of northern Utah until 1858. Young warned that if the army attempted to occupy Salt Lake City, Mormon fighters would burn the city down. As a popular Mormon war song went:

> If Uncle Sam's determined
> On his very foolish plan
> The Lord will fight our battles
> And we'll help Him if we can
>
> If what they now propose to do
> Should ever come to pass
> We'll burn up every inch of wood
> And every blade of grass
>
> We'll throw down all our houses
> Every soul shall emigrate
> And we'll organize ourselves
> Into a roving mountain state

A peace agreement was finally reached, and Young allowed the army to pass through Salt Lake City to establish Camp Floyd, 30 miles south—but not before he ordered the temporary evacuation of virtually the entire population of the city and took down the American flags. In a proclamation issued before the peace, Young lamented, "For the last twenty-five years we have trusted officials of the Government, from Constables and Justices to Judges, Governors, and Presidents, only to be scorned, held in derision, insulted and betrayed."

ROY POTTER, the modern-day polygamist, is fighting back in the best Mormon tradition. He first petitioned the Murray City Civil Service Commission for reinstatement to the police force. The commission was glad to be of service—*if* Potter would abandon his living arrangement. He rejected the offer.

Potter then mounted a challenge to Utah's antipolygamy law on two fronts. He spoke out publicly for the rights of polygamists, in forums as diverse as the *Donahue* show and *Us* magazine. And he filed a lawsuit, which

UTAH HISTORICAL SOCIETY

was heard in the U.S. Tenth Circuit Court of Appeals in 1985.

Potter argued to the court that the freedom of religion clause of the First Amendment and the right to privacy under the equal protection clause of the Fourteenth Amendment ensured him and his wives the right to engage in a plural marriage. He cited a 1972 case, *Wisconsin* v. *Yoder*, in which the Supreme Court held that the state could not compel Amish families to send their children to public schools beyond the eighth grade. He also cited *Briggs* v. *North Muskegon Police Department*, a 1984 case in which the Fifth Circuit Court of Appeals reinstated a police officer and awarded him damages after he was dismissed for illegally cohabitating with a woman to whom he was not married.

Court records show that the Potter children had not been neglected, that the wives had entered into plural marriage with full knowledge and consent, and that "the practice of polygamy did not affect [Potter's] performance" as a police officer. All this the court admitted in its finding of facts.

Nevertheless, on April 28, 1985, Potter lost his case. The court argued that it "could find no authority for extending the constitutional right of privacy so far that it would protect polygamous marriages." Monogamy, declared the court, "is inextricably woven into the fabric of society. It is the bedrock upon which this culture is built."

Potter was understandably unhappy with the court's decision. How could it ignore the *Briggs* case of the cohabitating police officer? he asked in a recent interview. "It is ridiculous that a man and woman living together and having sexual intercourse, but not calling it marriage, is somehow different than those who live in plural marriage as a religious tenet."

The court, he noted, claims that government has a "compelling interest" in prohibiting polygamy. But Potter retorts with the classic individualist shot: "The state has no compelling interest when the rights of individuals are not infringed....It is not correct to dictate against human social relationships which cause no harm to individuals or society."

The court's opinion in the Potter case was based primarily on a landmark Supreme Court case, *Reynolds* v. *United States*, decided in 1879. In that year, George Reynolds, private secretary to Brigham Young, lost his appeal of a sentence to "two years at hard labor" for violating a federal law forbidding polygamy.

BRIGHAM YOUNG, the Mormon leader who had brought his followers westward, married 21 women in his lifetime. In 1871 he was arrested for "lascivious cohabitation" and brought before Judge James B. McKean.

In 1862 Congress had passed the Morrill Act banning polygamy in U.S. territories. But it wasn't enforced until 1871, when, fresh from their victory over the South's "relic of barbarism," the Radical Republicans of Congress turned their fire on Brigham Young and the Mormons.

Declared McKean, a New York judge installed as Utah's chief justice by anti-Mormon forces: "A system is on trial in the person of Brigham Young"—that of "federal authority versus polygamic theocracy." But the case was dismissed in early 1872; federal prosecutors had been so eager to convict the Mormon church president that they had improperly chosen the grand jury.

The next two decades saw the height of federal efforts to reconstruct and restrict the Mormons. The Poland Act of 1874 transferred control over all criminal and civil cases to U.S. territorial courts, thus stripping local Mormon judges of much of their power. Eight years later, the Edmunds Act made polygamists ineligible to vote, hold public office, or serve on juries and set the penalty for plural marriage at up to five years in prison.

The battle between polygamists and the federal government was now in full flower. Digging through history books reveals the extent of the war. "Polyg hunts" for "cohabs" became common in Utah, as federal judges set out to eliminate plural marriage. There were more than 1,000 convictions for polygamy under the Edmunds Act in the 10-year period following its passage, and in 1885 church president John Taylor reluctantly advised polygamists to go "underground" to avoid arrest and imprisonment. Though Brigham Young University historian Jessie Embry estimates that only 10 to 30 percent of Mormon men practiced plural marriage, nearly all the prominent church leaders did so, now underground. Church president Taylor died in hiding in 1887. He mourned the "shameless infringement of the Constitution" for which he had suffered.

The federal assault continued. In 1887 Congress passed the Edmunds-Tucker Act, which disincorporated the church and allowed the federal government to seize all church property in excess of $50,000, including the Salt Lake City temple block. The church appealed but lost a 5-4 Supreme Court decision in 1890. The court called polygamy "a crime against the laws and abhorrent to the sentiments and feelings of the civilized world." The Mormon church, said the court, was a "contumacious organization" that sought to "oppose, thwart, and subvert...the will of the government of the United States." (Interestingly, the Edmunds-Tucker Act of 1887 also outlawed female suffrage in Utah; women had been voting there since 1870.)

Church leaders now believed that the only alternative to extinction was surrender. Later that year, president Wilford Woodruff issued the Manifesto of 1890, also known as the Great Accommodation. Stating that "I am under the necessity of acting for the temporal salvation of the church," he announced: "My advice to the Latter-day Saints is to refrain from contracting any marriages forbidden by the law of the land." Thus began a long history of the Mormon church joining the government in rooting out polygamists and all manner of rebels against government doctrine.

By 1896, the federal government had returned the church property confiscated earlier. That same year, Utah was admitted to the Union as the 45th state with a constitution that, not coincidentally, prohibited polygamy. Although the connection has been a matter of some debate over the years,

Alex Joseph and his newest child, Austin, surrounded by eight of his wives. Clockwise from top right: Delinda with Austin, her son; Dawn (standing) and Elizabeth, editor of the Big Water Times and city attorney, with Delinda's daughter Delante and Alex's son James; Pamela, a firefighter; Joanna, a calligrapher; Boudicca, a real-estate agent; Leslie, sending out the family mail; and Margaret in her convenience store.

attorneys representing the state of Utah in Roy Potter's case in 1985 admitted that abolishing plural marriage was "the price of statehood."

"It's fine for the LDS church to give up their religious beliefs," declares the excommunicated Potter, but "it is not right to prevent other people from practicing theirs." Whereas early Mormons adopted "celestial marriage" as a revealed doctrine, Potter points out that "there was never a revelation to stop polygamy, much less to persecute and prosecute polygamists."

The Great Accommodation for the church and the government became the Great Capitulation for unreconstructed Mormons. When church president Taylor had advised polygamists to go underground in 1885, thousands had fled to new polygamist settlements throughout the remote areas of the desert Southwest. Many families living in plural marriages today trace their roots back five generations, to those early practitioners of passive resistance and civil disobedience.

The Mormon church supported federal raids—rhetorically—against polygamist settlements in Utah and northern Arizona in 1935, 1944, and 1953. The 1953 raid against the town of Short Creek, Arizona (now Colorado City), and its sister city Hildale, Utah, netted hundreds of residents, including 262 children, and "nearly broke the county in '53 putting all those people in jail," says Glenwood Humphries, chief deputy sheriff of Washington County, Utah. (Charges were eventually dropped.)

Humphries told reporters last year that arresting polygamists these days is "like trying to arrest Indians for using peyote." It just isn't done anymore; since 1953, Utah has had fewer than 25 convictions for polygamy. But how many people have, like Roy Potter, lost their government jobs and been excommunicated by the Mormon church is unknown.

KARL BRAY was a Utah tax protestor. He died nine years ago, but his cause lives on in the Mormon underground, where paying taxes—or not paying them—is the newest battleground. Investigation reveals that the Mormon church has now joined forces with the IRS to suppress what many believe is a widespread tax revolt in the mountain west.

In 1973, LDS president Harold B. Lee directed an official *Priesthood Bulletin* to church members noting that "officials of the IRS have called attention to the fact that certain individuals, who claim church membership, are making it appear as though their opposition to the federal tax laws is Church sponsored." Lee prohibited local church leaders from allowing tax resisters to speak at any church functions.

A search through clippings from the church-owned *Deseret News* reveals that in 1976 Lee's successor, Spencer W. Kimball, held a series of closed-door meetings with LDS church leaders across the nation concerning the tax revolt. The Mormon church soon thereafter announced a crackdown on tax evaders and protesters among its members. It is now Mormon church policy that conviction for tax evasion merits an automatic trial before a church court, which can excommunicate, disfellowship, or bar Mormons from participating in temple rites. Several church members told me that members seeking "temple recommendations" permitting them to enter temples are sometimes subjected to questioning about tax-law compliance.

It is hard to say how widespread the tax revolt was, or has become. Investigation of the Mormon underground suggests that it runs deep in Mormon culture, though not among church leaders. Figures on the extent of noncompliance and protest are unavailable. Estimates from tax-revolt leaders in the early 1970s put noncompliance—generally, refusal to file an income-tax return—as high as 10 percent among taxpayers in Utah and southern Idaho.

There is only circumstantial evidence of IRS arm-twisting of the LDS church to help break the tax revolt. There is similar evidence that the agency mounted its own campaign in the 1970s to make a public example of one of the movement's most outspoken leaders, Karl Bray.

An ex-Mormon raised in Provo, Utah, Bray filed a widely publicized suit in 1972 alleging that the income tax is unconstitutional. The suit was unsuccessful, but the next year he ran a full-page ad in the *Salt Lake Tribune* challenging the constitutionality of the wage and price controls imposed by President Nixon and encouraging noncompliance. Bray ran a precious-metals business, and in 1974 he was fined for failing to keep records required by the price-control legislation.

By now, Bray was one of the most active and visible Utah tax protesters. Among his various public appearances, he discussed ways to resist the income tax on a Salt Lake City radio station.

In 1974, according to a *Salt Lake Tribune* report, the IRS worked a "mole" into Bray's business. The agency learned that he had obtained possession of an IRS seizure sticker, photocopied it, and was distributing copies in the city. Bray and three others were arrested and convicted for violating a law against copying such a sticker. (He appears to have been the first person ever convicted for the offense.)

Federal judge Willis Ritter claimed that Bray "was attempting to stir up a rebellion." Ritter, like exasperated Utah judges in days of old, exclaimed: "He comes pretty close to preaching insurrection against the government." He received the maximum sentence, six months in prison.

But Bray was indomitable. In 1976 he wrote and published *Taxation and Tyranny*, billed as "a complete guide to the tax rebellion." The IRS then brought charges against him for failure to file a 1972 tax return and seized his bank records, including the names of those who had purchased his tax-revolt manual by personal check. Bray, who had written only his name and the Fifth Amendment on his tax return, was fined $10,000 and sentenced to two years in prison. Seriously ill, he was released shortly before his term was to have ended. He died of lymphatic cancer in 1978.

An official in the "taxpayer education office" in the IRS's Salt Lake area office says that cases of noncompliance in Utah have declined in the 1980s. While Utah has recently experienced several highly publicized tax-resistance cases, it would appear that bringing LDS church pressure to bear against the movement has worked to some extent. Exactly how well is difficult to determine, and the IRS would not seem to be the best source. The agency reported only 184 cases of protestors refusing to file in the Salt Lake City area in 1985, out of a population of roughly 750,000. But these figures are almost amusingly low when compared to the number of protestors I encountered in Utah. It is unlikely, however, that the IRS would ever admit publicly that it is catching only a small fraction of those refusing to file, since this would encourage would-be tax rebels.

Mormon church president Ezra Taft Benson: "The sole function of government is to protect life, liberty, and property and anything more than this is usurpation and oppression."

EZRA TAFT BENSON, the outspoken secretary of the Agriculture Department in the Eisenhower administration, became the Mormon church's 13th president, "prophet, seer, and revelator" in November 1985. Few outside of the church understand the importance of Benson's presidency, but insiders think that he may, if his past views are a reliable guide, help nudge the church back to its antistatist roots.

"When the Mormon church was first established," declares Cloyd Bird, a lifelong member of the LDS church who works as a professional writer from his Provo, Utah, home, "there was a great belief in liberty in a true sense. This was especially true of Joseph Smith," the church's founder.

The Mormon Declaration of Belief regarding government, issued in 1835 by Smith, echoes the Declaration of Independence: "We believe that no government can exist in peace, except such laws are framed and held inviolate as will secure to each individual the free exercise of conscience, the right and control of property, and the protection of life." Several years later, when Smith announced that he was running for

Life with the Potters – Clockwise from top right, wives Vera and Mary with Mary's son Joseph; Vera with Joseph and her daughters Rachel and Sarah; Roy Potter; Rachel, Shannon, Mary, Joseph, Sarah, Vera, and baby Rebecca; Mary and Joseph at the dinner table.

the U.S. presidency in 1844, his platform called for "liberty and equal rights, Jeffersonian democracy, free trade and sailor's rights, and the protection of person and property."

In its early years, Utah and its Mormon population were staunch Democrats. (This is when the Democratic Party generally stood for smaller government than the Republicans did.) Today, most Mormons are Republicans, and the LDS church is often regarded as a bedrock member of the New Right. Utah gave 73 percent of its vote to Ronald Reagan in 1984, the highest of any state in the union.

The church's newest president, the 87-year-old Ezra Taft Benson, is the great-grandson of his namesake, a pioneer founder of Utah who served as one of the highest church authorities under Brigham Young and who took eight wives in plural marriage during his lifetime. And according to Cloyd Bird, Benson "is the most competent scholar on free agency and capitalism in the Church."

A search through President Benson's writings before 1985 gives an idea of his views of government. "I am a libertarian," he wrote in his 1962 book, *The Red Carpet*. "I want to be known as a libertarian and as a constitutionalist in the tradition of James Madison—father of the Constitution." Seven years later, in *An Enemy Hath Done This*, Benson asserted, "The sole function of government is to protect life, liberty, and property and anything more than this is usurpation and oppression." His many works also criticized compulsory schooling, government welfare programs, and social security, which he condemned as "compulsory, unfair, and immoral."

On the other hand, some of Benson's writings were on the right-wing fringe; for instance, he spoke of the civil-rights movement as communist-inspired. And when I interviewed him several years ago, he loaded me down with John Birch Society material.

Benson had been uncommonly quiet on political matters since he assumed the presidency of the church—until he addressed an assembly on the subject of the Constitution at Brigham Young University in September 1986. In this major speech, he returned to individualist themes. Government, he declared, "cannot claim the power to redistribute money or property nor to force reluctant citizens to perform acts of charity against their will."

Benson's opposition to government coercion springs from the fundamental Mormon doctrine of free agency, an optimistic belief that man, by freely choosing to do good, can ensure favorable treatment in the afterlife. Benson drew on free agency and Mormon theology in his BYU speech to explain his support for individual liberties: "The central issue in [the premortal council

of heaven] was, Shall the children of God have untrammeled agency to choose the course they should follow, whether good or evil, or shall they be coerced and forced to be obedient? Christ and all who followed Him stood for the former proposition—freedom of choice, Satan stood for the latter—coercion and force....One of Lucifer's primary strategies has been to restrict our agency through the power of earthly governments."

Not all church members derive from the doctrine of free agency the same political conclusions as Benson. But if Benson's conception of the spiritual imperative of individual freedom spreads, as seems likely, it could in time alter Mormonism's place in the national New Right coalition. Free agency is a smoldering powder keg; when Benson writes that "the greatest right humans possess is the right of free choice, free will, free agency," he is not talking the language of the Moral Majority. He is talking the language of his Mormon forebears.

JOHN SINGER's murder still haunts Utah. As a young boy in Nazi Germany, Singer had been thrown out of SS training school for "rebellious behavior." For the rest of his life, he nursed a hatred of state authority. Singer moved to America after the war, settling in Summit County, Utah. There he gained a reputation as a fervently fundamentalist Mormon. He was excommunicated for his vocal belief that modern church leaders had strayed from early Mormon teachings on matters like polygamy. (Singer took a second wife shortly before his death in 1979.)

In 1973, Singer and his first wife Vickie pulled their children out of the South Summit Elementary School in Kamas, Utah. They objected to the school's curriculum and atmosphere, which they thought was too permissive and encouraged immoral behavior. To give their six children an old-fashioned Mormon upbringing, the Singers began teaching their kids at home, in a one-room schoolhouse that John had built.

Local opinion on Singer was divided. Some thought him an intolerant religious fanatic who was depriving his children by offering them an inferior home education; others looked upon him as a heroic champion of liberty. For his part, Singer protested, "We're not really as strange as people think. We're just common ol' folk. We're not trying to tell other people what to believe or how to live, we just want to be left alone."

But like so many Mormons before them, they were not left alone. For six years they were drawn into a running battle with state and local authorities over their right to educate their children at home. The Singers ruled out any compromise, refusing to accept state oversight of their home-schooling program. As Singer stated his position to the Summit School Board: "In a free society, the responsibility for a child's education is in the hand of his parents, not the state. Without freedom, this is lost. Remember, Hitler said, 'Give me the youth and I have the nation.' "

The Singers were charged with neglect and habitual truancy. They refused to attend the hearing and were cited for contempt of court. Fearing arrest, they refused to venture beyond their two-and-a-half-acre mountain farm.

On January 18, 1979, 10 lawmen, driving snowmobiles, swept down on Singer as he walked to his mailbox. Singer started running back toward the 19th-century-style cabin he had built. He drew a Colt automatic from his coat and waved it through the air. A shotgun blast rang out. John Singer fell bleeding into the snow. He had been shot in the back.

Nearby Salt Lake City, usually spotless, was soon awash with graffiti. Splashed across the front of the state Division of Family Services building was sloganeering that seemed more appropriate to Berkeley in the 1960s—or Utah in the 1850s—than to conservative modern Utah: "John Singer was murdered by the pigs."

There has been a distinct "backing off from home schoolers by authorities since the death of John Singer," notes Professor Larry Arnoldsen of the Brigham Young University College of Education. "I have a lot of people inquire about home schooling. It's booming." Arnoldsen, along with hundreds of families, participated in the recent annual conference of the Utah Home Schooling Association.

Arnoldsen credits the Mormon doctrine of free agency for the enduring interest in freedom of education. "Free agency teaches us that the locus of control is the individual. Nothing is more fundamental to Mormonism than the idea that every human being is in control of their life. To me it's the absolute truth."

Arnoldsen has been imparting that truth to budding secondary teachers at BYU for 17 years. An opponent of compulsory schooling and supporter of the home-school and alternative schooling movements, he argues that "educators need to recognize the autonomy of the learner. Too many educators think that you can make kids learn. Schools need to take into account the free agency and volition of children. Every individual has the right and obligation to define themselves. We screw people up when we tamper with this."

His murder still haunts Utah —John Singer, who insisted on educating his children at home. Lawmen raided his home and shot him in the back.

VINNIE FISH

Like the renunciation of polygamy, the acceptance of widespread public education was imposed on the Mormons by the federal government. The Edmunds-Tucker bill of 1887 had as one of its objects the transfer of church property to Utah's poorly funded public schools. Prior to this, most Utahans attended church-supported schools that emphasized the teachings of Mormonism. Once Utah gained statehood, however, and Mormons gained control of public schools from non-Mormon territorial officials, the public-school system grew apace. But a remnant of Mormons is sticking to its individualist Mormon roots.

Utah's public-school tradition "goes back only 50 years," notes Arnoldsen. And while he readily admits that he's still in the minority of BYU faculty, he is hopeful. Partly because of Ezra Taft Benson's assumption of the Mormon presidency, "we're going to see more emphasis on freedom of the individual."

ALEX JOSEPH, with his graying dark hair, rough-cut beard, and weather-beaten skin, is something of a cross between Henry David Thoreau and the outlaw Josey Wales. The 50-year-old Joseph is a classic example of the kind of backwoods government-hater that abounds in Utah; he has coyote cunning and the disposition of a sidewinder.

Alex Joseph is also the founder and mayor of Big Water, Utah, population 300—a town that is emerging, though few outside Utah

To bring all his family under one roof, Alex Joseph is building "Long Haul," a home designed for sixty occupants. In the foreground, he stands with four of his and Margaret's children – Marianne, Hugh Brand, Vallis, and Stonewall.

are yet aware of it, as a focal point of the conflict between Mormon individualists and the government. Says Roy Potter of Big Water: "Some leaders in the church and the state government see it as an extreme embarrassment and an extreme danger."

Joseph is an excommunicated Mormon with nine wives. He has, at various times, been a Marine, an officer in the Modesto, California, police department, and an LDS chaplain in the California state prison system. In 1975, Joseph and his family were forcibly evicted from Cottonwood Canyon, near Big Water, by a SWAT team after the Josephs lost a legal battle over homestead rights with the federal Bureau of Land Management (BLM).

Three years later, Joseph paid $18,000 for Glen Canyon City, the shell of a dying government construction town located in southern Utah, near Lake Powell. Glen Canyon—now Big Water—"was a terrible environment, a lawless boom town," claims Joseph, that today "is nice, peaceful, and crime-free." The city's population has more than tripled since 1978, many of the new residents being retirees who enjoy the fresh air and isolation.

"We are also incontestable," boasts Joseph, meaning that Big Water's incorporation as a town cannot be revoked. "Once a community collects property tax for two years, it cannot be challenged under Utah law." Big Water collected a token property tax (promptly repealed in November 1985), was routinely incorporated without challenge, and is now here to stay.

Joseph breathed a sigh of relief when the charter became irrevocable. Big Water, located in Kane County, Utah, is not your ordinary small town. Kane County, whose 4,300 residents are spread out across 3,900 square miles, encompasses some of the most intensely beautiful and rugged terrain in the United States. It is separated from high-tech, high-speed America by great desert expanses, impassable sandstone gorges, mile-high lines of red rock cliffs, and vast roadless tracks. It is also owned primarily by the federal government.

Mayor Joseph and the town's five-member council are determined to get the Bureau of Land Management to surrender its claim to the 83 percent of Big Water's six square miles that is federally owned. The federal government is viewed by residents as an unresponsive, absentee landlord—Joseph has had several run-ins with the BLM, most recently when he and some of his wives defied federal demands and cut down barbed wire fences belonging to the bureau. The council's goal of defederalizing the town is not hopeless; Page, Arizona, 20 miles east of Big Water, obtained 17 square miles from the federal government in 1975.

"I'm playing a noncontact sport with the government," says Joseph. This is true to the same extent that hockey is a noncontact sport. Mayor Joseph and four town council members recently switched from the Republican Party to the antigovernment Libertarian Party. One of Joseph's wives, Elizabeth, manages the *Big Water Times*, the largest and most sought-after newspaper in the county. Unlike its competition, the *Southern Utah News*, which is full of Mormon church-related stories about weddings, missions, births, and funerals, the *Times* hits hard on the continuing conflicts between Kane County residents and their federal landlords.

A final burr in the government's saddle is that Big Water welcomes polygamists. Many of the small towns in Kane County were first established in the 1880s and '90s by polygamists who'd gone underground or who were resisting the Great Accommodation.

There are only two polygamous families living in Big Water today, but as Roy Potter says, "We now have a gathering place." Indeed, Big Water may be a showcase for alternative family structures. Argues Elizabeth Joseph: "Polygamy is a feminist lifestyle. I can go off 400 miles to law school, and the family keeps running. I am a monogamist. My husband is a polygamist.

"Government has claimed a compelling interest in confining the family to only one structure," she continues. "So far, that has not been demonstrated to our satisfaction."

Boudicca Joseph, a real estate agent and another of Alex's wives, says that there is a "common denominator" among the residents of her little town: "We want to be left alone to live our lives and to do things that we can't do in other places."

They may get their chance in the isolation of Big Water, Utah. "This is where the pavement ends and the West begins," says Alex Joseph. "Freedom and wide-open spaces are what it's all about."

From Big Water to Salt Lake City, the tradition of resistance to government authority, engendered in Mormonism by its theology and forged by the persecution of generations of Saints, lives on. It is not always readily apparent; much of the rebellion is still hidden below the surface of the face that Utah, and Mormonism, presents to the nation. But the signs of change are evident in both the formal church and the fiercely individualist underground.

The harder the government pushes on the underground, the more sympathetic media attention it is likely to receive. The general Mormon population of Utah is already sympathetic, if not openly supportive, of the rebels. As the underground fights on, and new LDS president Ezra Taft Benson urges a renewed appreciation of the doctrine of free agency, the prospects for personal liberty in the Mormon kingdom are looking brighter every day. ◧

Gerald M. King is a free-lance writer. His article on John Singer's murder appeared in REASON in July 1979. This article is a project of the Reason Foundation Investigative Journalism Fund.

Do you like the power your local cable monopoly has? It may be a thing of the past.

Dishing Out Competition

by Milton Mueller

Drive along any rural highway in West Virginia, Vermont, or Colorado, and they dot the landscape like high-tech mushrooms. In Connecticut and New York suburbs, their shells interrupt the zoning-enforced conformity. Even in such places as Philadelphia they can be seen atop inner-city row houses. A million and a half homes in the United States now sport satellite dishes or, as they are known to an industry addicted to acronyms, HTVROs (Home TV Receive-Only earth stations).

Until the satellite dish came along, communications technologies had always spread from population centers outward. But the dish revolution has advanced, like some Third World guerrilla army, from the country to the cities. And now it promises a change in the landscape of communications all across the United States. For, although the various players in the industry don't fully realize it yet, satellite TV could erode, perhaps even wipe out, the monopolistic foundations on which the cable-TV industry was built.

Monopolists vs. Mushrooms

To rural viewers long accustomed to enduring the fewest broadcast channels and the worst TV reception around, the satellite dish was the ultimate revenge. Introduced into TV distribution in 1975, dishes quickly evolved from huge $100,000 items restricted to government, TV stations, and cable systems to widespread consumer products now priced at about $2,000.

The programs carried by your local cable system—say United Cable in Denver or Group W in Los Angeles—are the same satellite signals pulled down by backyard dishes. So until recently, rural TV buffs who invested a few thousand dollars to buy and install a dish could scoop up for free the best that television had to offer: pay cable services like HBO and the Disney Channel, syndicated programming, network feeds to local affiliates, superstations like Ted Turner's WTBS, and numerous "backhaul feeds"—transmissions of news reports and sports events from the field to network headquarters.

It was a good deal—too good to last. In January 1986, Home Box Office ended the free lunch by scrambling its HBO and Cinemax transmissions. Other programmers soon followed, and by the end of the year half of all satellite programming was encrypted and therefore gibberish to anyone without a $400 decoder and a subscription costing $10 or more a month per service.

At first, satellite dishes were used only by consumers unserved by cable or broadcasters. But in 1984 and 1985, cable operators began to notice an alarming number of electronic mushrooms sprouting up in their backyards. More than a half million

dishes were purchased in 1985 alone, and a growing proportion of them—about a third—were in cabled areas, according to *Home Satellite Newsletter*. A 1985 study commissioned by the National Cable Television Association (NCTA), the cable operators' trade group, projected that dishes would cost cable franchises $400 million in lost revenue over the next five years.

Scrambling, cable companies seemed to think, might stop the attack of the giant mushrooms. "Cable operators are in the *pay-TV* business," says Steve Tuttle, public relations director of NCTA. "Let's remember that. Now, it gets awfully hard to be in the pay-television business when the product is being given away across the street from you."

For several months before and after HBO's move to scrambling, confusion, anger, and fear prevailed in the dish business. Existing dish owners wondered whether they had invested thousands of dollars in useless pieces of junk. Sales of new dishes slowed to a trickle. RCA and Goldstar, two big consumer-electronics manufacturers that had been poised to enter the dish business, pulled out.

The dish industry's scrappy trade group, the Society for Private and Commercial Earth Stations (SPACE), filed retaliatory suits and petitions against everyone connected with scrambling. The Justice Department began an investigation, still underway, of the possibility that the companies that operate local cable franchises had pressured some programmers into scrambling. Several bills to regulate or delay scrambling were aired in rancorous hearings before the House telecommunications subcommittee.

The hysteria reached an appropriate peak on April 27, when a video pirate calling himself "Captain Midnight" overpowered HBO's satellite link for about five minutes to broadcast a protest against HBO's dish subscription prices to millions of surprised viewers. Captain Midnight, known to his friends as John R. MacDougall, owner of a Florida dish dealership, later pleaded guilty to illegally interfering with HBO's transmissions.

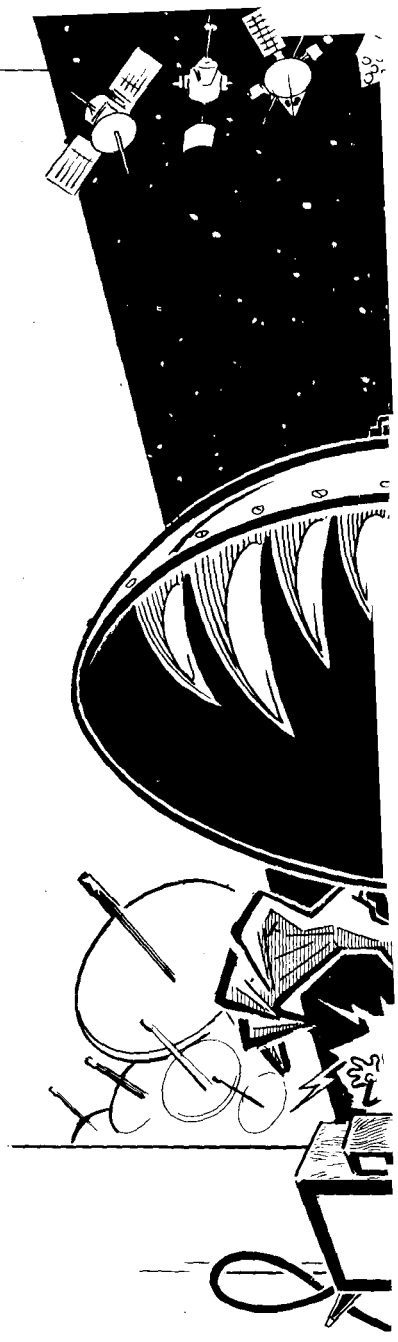
The scrambling controversy, however, is not really about scrambling anymore. No one publicly disputes the right of pay television services to protect their signals. The game is changed, and the stakes are actually higher now. What is going on today is a turf battle between the dish and the cable—pay-TV technologies that can both complement and compete with each other.

Pay-TV programmers like HBO and Showtime have traditionally sold their services through local cable operators. These middlemen, companies like Group W and Cox Cable, install and control the cable "pipeline" through which cable customers receive their TV services. If you want to order HBO in Los Angeles, you don't call Home Box Office, you call Group W.

Even if you don't like your local cable company, you still have to deal with it. Cable operators are almost always given monopoly franchises by city governments. The cable company gets protection from competition and permission to tear up the street; the city gets regulatory control, free telecommunications services, and a cut of the revenue.

For many years, the cable industry has been playing a coy game with its franchised monopoly status. When First Amendment rights and rate regulation are discussed, cable operators abhor any comparison with public utilities and claim that theirs is an open business "just like print." But when municipal franchises are handed out, most (though not all) of the industry starts talking about "economies of scale" and "natural monopoly." But satellite television lays the monopoly myth to rest once and for all.

Contrary to the initial fears of many people, the programmers who scrambled their programs have reached out to dish owners, seeing in them a new market. "They're not saying, okay, now that we've scrambled, backyard dish owners can't get the programs, which is what a lot of people feared," says Thomas Rogers, counsel to the House telecommunications subcommittee. Rather, "they're establishing marketing programs to sell their scrambled signals." The issue now is whether programmers will allow businesses other than local cable monopolies to sell decoders and subscriptions. At stake is the future of cable.



SAM MCKAY

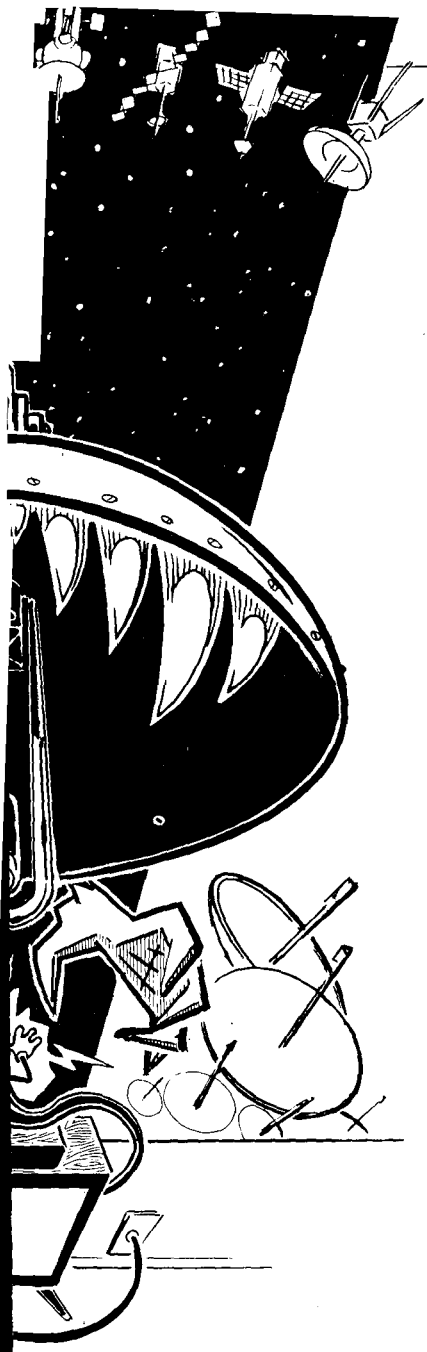
Torn Between Two Lovers

Back when it was just a few rural dish owners pulling down whatever they wanted for free, the dish seemed to pose little fundamental threat to the structure of the cable industry. But "VideoCipher II," the encryption system developed for HBO by M/A-Com Inc., changed all that. Programmers quickly adopted it as an industry standard so that dish owners wouldn't have to purchase separate decoders for each service. This standardization happened without some long, drawn-out Federal Communications Commission proceeding and without a single consumer purchasing a decoder only to find it soon obsolete.

Such a quick and painless consensus is nothing to be sneezed at. It made it possible for anyone with good programming and space on a satellite to get into the pay-TV business on a national scale, completely bypassing the cable monopolies. It also made it possible for third parties with distribution agreements to act as middlemen, opening up another way to bypass cable.

Combine satellite dishes and standardized descramblers, and you get, in effect, a nationwide cable-TV system—without the cable. It is now technically possible for anyone with a dish to pick up a telephone and order Showtime, the Disney Channel, or what-have-you from any authorized distributor in the country. The M/A-Com center near San Diego merges subscriber information from each programmer into a single data stream and beams it up to a satellite. The satellite then rebroadcasts signals containing hundreds of thousands of individual subscriber "addresses" that unlock the audio of whichever services a subscriber has ordered.

Programmers have set up 800 numbers —1-800-HBO-DISH, for example—that allow dish customers to order their service directly. But one can also subscribe through a



cable operator—in theory, through *anyone* within reach of a telephone who has a valid distribution agreement with a programmer. Bye-bye, territorial monopolies.

Now the programmers find themselves in something of a dilemma. As good business people, they aren't about to ignore the new market provided by dish owners. On the other hand, they depend on local cable operators to reach the bulk of their subscribers and therefore are loath to threaten local cable monopolies by readily authorizing independent distributors. Thus, programmers' subscription-price and marketing policies have been carefully designed to minimize competition between the dish and the cable. And that is what all the shouting is about.

"HBO and the other programmers have refused to deal with any entities outside of cable TV," charges Joe Boyle, the executive director of SPACE. Roger Carroll, an aide to scrambling critic Rep. Judd Gregg (R-N.H.), puts it a bit more colorfully: "The cable industry has pressured the programmers...to sleep with them."

Says Carroll, "We don't want to see the rural dish owner in New Hampshire, Pennsylvania, Minnesota, or California thrust back into the dark ages of television viewing. Nobody's disputing the fact that the programmers should be paid for their services. But we don't feel those services should be priced out of the market, either."

SPACE and its allies argue that the prices charged for satellite-broadcast subscriptions are artificially high, that cable-industry pressure forced many programmers to scramble involuntarily, and that cable companies and satellite programmers are trying to thwart competition by refusing to authorize independent (read: noncable) programming distributors. (SPACE has at least one very specific independent distributor in mind—Viewers First National, a venture organized by the trade group's counsel, Rick Brown.)

Steve Tuttle, of the cable industry's NCTA, scoffs at such charges. "The scrambling technology has been set up so that anyone can get into the business," he says. If no independent distributors have been authorized yet, it's purely a "business decision." Adds Tola Murphy-Baran, Showtime's public-relations director, "I really don't think the customer cares how the programming gets to his house as long as it gets there."

Friendly or Free?

SPACE and other dish advocates think prices may be deliberately skewed in an attempt to protect cable franchises from the new technology on the block. Their argument runs something like this:

A local cable system gets its programming from the same satellite signals as dish owners; the cable company pays the programmers a "wholesale" rate of $4 or $5 per subscriber. So programmers like HBO or The Movie Channel could make an additional profit by selling directly to dish owners for $7 or $8 a month, compared to the $12 or so that cable operators charge. For that matter, an independent distributor who bought satellite programming wholesale and marketed it nationally could also make a hefty profit. So could a cable franchise in literally *any* locality.

Such a cable company, in fact, would be in a good position to "package" several channels together and sell them at a discount rate, because it would already have distribution agreements and established business relationships with the programmers. Satellite scrambling, then, has created three potential sources of competition for local cable franchises: the programmers themselves, other cable companies, and independent distributors. To put it bluntly, satellite television should be blowing the idea of cable as a local "natural monopoly" sky high.

Instead, programmers are charging dish owners *more* than cable viewers pay. And the only distributors they have authorized are local cable operators—and only within the cable operators' own franchise areas. This policy prompted Kaultronics, a small cable franchise in rural Wisconsin, to send letters to 100 townships in its area asking them to grant it paper "cable franchises" so programmers would allow it to sell their services to local dish owners.

Critics of the current arrangement say third-party distributors would cut prices and give cable operators more incentive to reach out to dish owners. They see the programmers' refusal to deal with independents as a deliberate attempt to limit competition. "We want HBO, Showtime, Disney, Playboy to make the service available to outside distributors and let competition dictate the price," says Stephen Glass, owner of Heavens Above, a dish-equipment store in Worcester, Massachusetts.

Glass knows how far the programmers are willing to go to enforce their "cable-friendly" distribution policy. From February until the end of April, he offered discount HBO-Cinemax subscriptions to customers who purchased the M/A-Com decoder. While Home Box Office was billing dish owners $19.95 for the pair, Heavens Above charged only $11.95. The store signed up customers through SPS, a small cable company in Boise, Idaho, that buys HBO service wholesale. Glass phoned in customer information to SPS, which forwarded it to HBO for VideoCipher authorizations.

"We were passing through the $11.95 that SPS charges us right to the customer," Glass says, "to kind of give the industry a kick in the behind" after scrambling was implemented. The promotion also helped generate business during what Glass terms "the slowest period we've had since we began the business six years ago." News of Glass's bargain price spread through satellite-dish dealerships like wildfire. His store received inquiries from over 40 states. By the end of April, Heavens Above and SPS had sent about 1,100 subscriptions to HBO.

Consider: just one distributor in Boise, selling at a discounted rate through a small store in Massachusetts, signed up 25 percent of the 6,000 dish subscriptions HBO had received by April 25. Yet on that date, HBO informed SPS that it would no longer take its orders for the activation of VideoCiphers because they were dealing outside their

franchise area. "They don't want a free market," fumes Glass. "They want a controlled market."

The Sweet Ring of Money

Cable operators and programmers see the dish as an extension of the traditional cable business and therefore part of their turf, not an alternative or a competitor. "You know the old debate about what business are you in, railroads or transportation?" asks Tola Murphy-Baran of Showtime. "That applies here. You are either in the cable-TV business or you are in the business of delivering entertainment to people's homes." HBO's Alan Levi used identical language to make the same point, suggesting that the idea has currency among the cable powers that be.

The more savvy cable operators, say Murphy-Baran and Levi, recognize that the dish offers them a new business opportunity and are beginning to pursue it by marketing programming to dish owners. But these programmers' spokespersons firmly believe that dishes will be significant only in areas where it is uneconomical to lay cable. "Cable is still the best deal in town," affirms Steve Schulte, Showtime's man in charge of direct-broadcast development. "If it wasn't for dealers promising freebies within franchise areas, these dishes never would have appeared in cabled areas."

The programmers are being cautious and conservative. For 10 years they have worked hand-in-hand with cable operators to promote pay TV in general and their products in particular. From this standpoint, it makes sense to adhere pretty closely to the traditional practices: authorize a single distributor in a territory and minimize the potential for satellites to unleash competitive, nationwide distribution.

"We decided to enter business in the most cost-effective way," says Levi of HBO, "and that was to utilize the distribution mechanism that we already had in place, which was working through the cable operators." In the programmers' view, cable operators build "brand awareness" for programs. The cable business, says Levi, "is not simply a matter of laying down wires. It's knocking on doors, making telephones ring, placing print ads to build the business."

Levi thinks it is premature to talk about independent distributors. "That may very well come about as more services scramble and more dishes are sold. But at this point where we have a total of 7,000 subscribers, it's hard to cost-justify developing a brand-new nationwide marketing system for a potential of 1.5 million subscribers."

The programmers are at best suspicious and at worst openly scornful of the ability of independent distributors to sell their wares. "I'm not ready to trust my product to any newcomers on the block," says Steve Schulte of Showtime. "You have to make a big distinction between *taking orders* and *selling programming*. Lots of people want to take orders. They can pick up the telephone and call an 800 number just as easily as the customer can. But when you ask them to describe in 25 words or less the difference between HBO and Showtime, they hem and haw." Schulte says he doubts that the would-be third-party distributors will be interested in listening to complaints or in disconnecting the service when asked to.

Satellite television lays the monopoly myth to rest once and for all.

Meanwhile, SPACE and its allies are trying to use the government to force programmers to authorize third-party distributors. In September, Senators Al Gore (D-Tenn.), Wendell Ford (D-Ky.), and Dale Bumpers (D-Ark.) introduced a SPACE-backed bill requiring any programmers who scramble to give distribution rights to any noncable company that meets certain criteria or to allow cable operators to sell scrambled signals to dish owners outside their franchise boundaries. The bill would also require all scrambled networks to use the same encryption technology—something that is already happening without government interference—and would increase the penalties for satellite jamming like Captain Midnight's stunt.

Such legislation is probably beside the point. Market pressures are already undermining the cable franchises' control over programming sales to dish owners. The potential market is just too big for programmers to ignore.

In May, HBO's Levi was musing about the possibility of a "kind of Publisher's Clearinghouse concept. Perhaps there is a mechanism similar to that, not by mail but by phone, so that the dish owner can quickly and easily order multiple services at a discount." Meanwhile, as the cable and dish interests have squabbled before Congress, M/A-Com has gone ahead and produced 100,000 descramblers, and close to 8,000 people have purchased them. Two other electronics firms, Anixter and Channel Master, are selling them under a licensing agreement. Future satellite-dish designs will include the descrambling circuitry, eliminating the $400 expense for the decoder.

Dish dealers and programmers are already forging important links. For example, Viacom, the parent company of Showtime and The Movie Channel, is offering dish dealers a $10 rebate for each new Showtime subscriber they sign up by passing out promotional materials with decoder purchases. Such joint marketing efforts will no doubt spread.

The basic ingredients of a healthy market are in place, and sooner or later competition will set in. Yes, the big programmers' anti-competitive distribution policy was a setback for consumers, but only in the short run. Other programmers—perhaps including movie studios without corporate ties to cable—will enter, and as they do, excessively "cable-friendly" attitudes will become too expensive to maintain. If the existing rates are really unreasonable, then all the mechanisms to bring them down are present. HBO's Levi sounds believable enough when he says, "If our cash register isn't ringing, if our phones aren't ringing, then we're going to take a hard look at what we're charging." In fact, HBO has already responded once by cutting its dish subscription rate by 17 percent.

It is easy to lose sight of the fact that the whole direct-satellite pay-TV business is only a few months old. Only about 10 programmers are fully scrambled. It's absurd for scrambling critics to say that the market is "uncompetitive" or "failing" when it has hardly begun to operate. The true shape of that market will only be known once the majority of pay services scramble, consumer confidence returns, and the programmers begin to compete with each other.

It's a safe bet that cable's attempt to subordinate the dish won't succeed for long. Consider an interesting historical precedent: In 1878, Western Union, the largest and most powerful corporation in the United States, entered the telephone business to preempt the upstart Bell telephone company. The telegraph giant's executives had what now appears to be a peculiar attitude toward the telephone: they thought it was a great way to send in orders for telegraphs. In fact, the telephone and the telegraph did enjoy a synergistic relationship for many years, but eventually the telephone business swallowed up its technological forefather.

Like Western Union in 1878, the established cable interests want to incorporate the dish into their business without letting it disrupt the status quo. We'll see. ◻

Milton Mueller received his M.A. in communications from the University of Pennsylvania in 1985 and is currently working on a Ph.D. dissertation on the history of AT&T. He is coauthor, with Edwin Diamond, of Telecommunications in Crisis *(Cato Institute, 1983).*

South Africa's Only Hope?

An oppressive black dictatorship is not the only alternative to the oppressive apartheid regime. A South African proposes a decentralized system with less government all around.

by Frances Kendall

"End apartheid now!" has become a rallying cry throughout the world. The U.S. government has imposed sanctions against South Africa. Major corporations, notably General Motors and IBM, have begun selling off their South African operations and pulling out of the country. All this activity is aimed at forcing change. But change to what?

Is there a solution? This is the question South Africans everywhere are asking. It is the question that is debated on buses, in trains, and in car pools; on television and radio, and in magazines and newspapers; at dinner parties, exercise classes, and in bars.

The question confronting South Africa today is how to dismantle apartheid without pitting race against race, tearing apart the nation, and destroying the economy. My husband, Leon Louw, and I have proposed a radical answer to this question. In our book, *South Africa: The Solution*, a bestseller in our country, we suggest that South Africa adopt a new constitution creating a system of "mega-devolution," in which the central government is limited to only a handful of powers. Most government functions would rest with local regions, or cantons.

Switzerland, a peaceful democracy with a flourishing economy, offers a model for how this might be accomplished. In Switzerland, the central government is limited to seven areas of control, including foreign policy, national defense, federal railways, and the mint. All other functions rest with canton or community governments.

When the Devolution Comes...

South Africa is a nation of nations—eight black tribes, whites of Afrikaner and English stock, Indians, persons of mixed race, and some other small groups. And more and more people in South Africa are realizing that the only way to protect the rights of all racial and ethnic groups is to push government decisionmaking power down to the local levels.

Dennis Beckett, the editor and owner of *Frontline*, a magazine aimed primarily at the black intelligentsia, has brought out a book entitled *Permanent Peace*. In it, he proposes that people from all groups get together in local areas and solve their own problems by their own means. The book contains no formal blueprint but rather a general argument in favor of what Beckett terms "intensive democracy." In his view, each municipality or group of suburbs should decide whether or not to have apartheid, wealth redistribution, and so on. Although the book has not been read widely, it has attracted considerable attention in academic and political circles.

Two national business groups, the Federated Chamber of Industries (FCI) and

ILLUSTRATIONS-MICHAEL KNEPP

The Africaansehandelsinstituut (AHI), (representing Afrikaans Businesses), have also put forward decentralist proposals. Both organizations propose that the country be divided into cantons that would enjoy a considerable degree of autonomy but whose governmental structure would take ethnicity into account.

It seems that the idea of decentralization and devolution of power, at least in general terms, is winning adherents all over the country. Anton Rupert, chairman of the Rembrandt group of companies and South Africa's premier Afrikaner business leader, told the widely read, upscale magazine *Leadership*, "Personally I believe that the Swiss canton system with its maximum local autonomy is the most successful example of its kind for a country with a multicultural population."

The most popular proposal for a canton system, however—and the only one which, to my knowledge, has received support from people right across the political spectrum—is that outlined in *South Africa: The Solution*. In this book, we suggest that a new constitution be drawn up for South Africa based on the Swiss federal system, arguably the most democratic system in the world today.

In brief, we propose the following process to dismantle apartheid completely and increase all South Africans' political and economic freedom:

- A new constitution should be drawn up establishing a cantonal system with extremely limited central government.
- Leaders of *all* groups should be consulted while a constitution is drawn up. This means the government must release African National Congress (ANC) leader Nelson Mandela from jail and unban the ANC and the Pan-African Congress (PAC), another left-wing group.

("Banning" punishes particular individuals or groups for antigovernment actions by limiting their rights to speech and assembly, as well as restricting media coverage of them.)

- The constitution should include a bill of rights protecting such basic rights as freedom of movement, speech, association, religion, and—unlike most countries' constitutions—property ownership. Cantons, as well as the central government, would be subject to these restrictions.
- Cantonal boundaries should not be drawn on racial lines.
- South Africans of all races should be given equal rights of citizenship; those living in the tribal homelands created under apartheid should be given the option to reclaim their South African citizenship.
- The new constitution should be put to a popular referendum of all citizens. In this referendum, all citizens' votes would be equal—one man, one vote.

A Nation of Nations

The key to our proposal is that it recognizes South Africa's diversity and protects the rights of all groups without permitting ethnic diversity to be an excuse for forced racial separation or unequal treatment.

In order to understand why this concept is rapidly gaining support in South Africa, it is essential first of all to grasp that the problem here is not simply one of a small white minority dominating a large black majority who are now demanding a share of the power. South Africa's primary defining characteristic is that of diversity. It is, above all, a country of minorities.

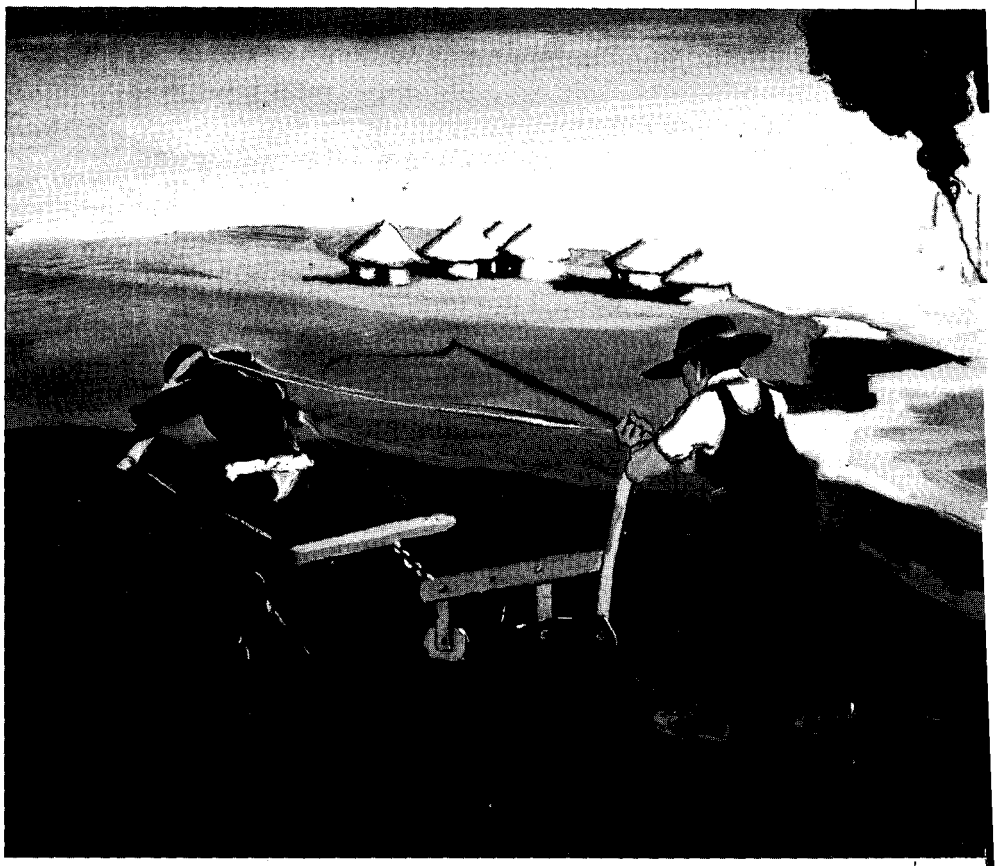
The black people who make up 72 percent of the population come from eight different tribes, the largest of which are Zulu, Xhosa, Sotho, and Tswana tribes. They speak different languages and have separate traditions and cultures. They are as different from one another as Spaniards, French, and Germans. Rural blacks, in particular, remain strongly wedded to their tribal traditions and loyal to their chiefs.

Tribal differences are much less important among urban blacks, who mix and intermarry freely. In contrast to their rural cousins, these city dwellers are highly aware politically. Westernized and, by South African standards, often middle-class, they all want to end apartheid and replace it with a system in which they elect the leaders of their choice and enjoy freedom and equality. But there is much confusion as to what that system should be.

Whites make up 16 percent of the population, and they too are divided. Nearly two-thirds are Afrikaners, descendents of settlers who arrived in the 17th and 18th centuries. They have their own language and culture and tend to be very nationalistic. Perhaps because they have the most to lose, they are often found in the forefront of the reform debate.

Surveys indicate that around 85 percent of all white South Africans accept that "power sharing" is inevitable. As to how power should be shared, however, there is neither clarity nor agreement. But in one important respect white South Africans, be they *verlig* (enlightened) or *verkramp* (conservative), are united, and that is in their fear. They fear that a crude one-man-one-vote election will result in a victory for the radical left, which will then take control of central government, nationalize private businesses, and undertake massive redistribution programs. The current rhetoric of many black political activists only reinforces their fears.

Caught between these two groups are "coloreds" (people of mixed race) and Indians. On the one hand, many members of these groups identify with black political



aspirations and indeed form the vanguard of many radical political groups. Alan Boesak, leader of the United Democratic Front (UDF), which is considered by many to be the internal wing of the ANC, is classified as colored. Saths Cooper, leader of the radical group AZAPO, which is otherwise made up almost entirely of Africans, is an Indian.

More typical of mixed-race and Indian South Africans, however, are relatively content middle-class families like that of Arun Govender, a close friend of mine who in fact lives in our house in contravention of apartheid restrictions. A typical Hindu family, Arun's family lives in a large attractive house in a pretty suburb of Durban. Her mother works in a sari shop and her father in a major hotel. An aunt runs the home and cooks delicious curries, dhals, and chutneys

for the family. The son, Bennie, and his wife and baby boy share a cottage at the bottom of the garden. The family listens to Indian radio, reads Indian newspapers, and watches "Dallas" and "Dynasty" on television.

Like the vast majority of Indian and mixed-race South Africans, the Govenders have little in common with blacks and share the same fears as whites. They have no desire at all to disrupt their comfortable life and move to India, where they could not possibly maintain their present standard of living. They do not want to replace a restrictive white government with an even more oppressive black one.

(Since 1984, South Africans classified as Indians and coloreds have had their own houses in a tricameral parliament; whites, who were previously the only South Africans represented in parliament, control the third house and a majority of the total votes. Since receiving a share of the government, Indians and coloreds have been working energetically for black enfranchisement and the eradication of two important remaining aspects of apartheid—the Group Areas Act and the Separate Amenities Act. The first of these requires that different races live in different areas and the second that they use separate buses, beaches, cinemas, and so on.)

Looking to the Swiss Model

Like South Africa, Switzerland has an extremely heterogeneous population, comprising ethnic Germans, French, Italians, and Rhaeto-Romansch. Perhaps this diversity is why such a marked degree of regional autonomy has survived while other countries have become progressively more centralized. It may also explain why the Swiss system is particularly well suited to South Africa. It has had to develop so that people who are very different in terms of language, culture, religion, and tradition can live together in peace.

Switzerland has 26 autonomous cantons and half-cantons, as well as 3,000 communities whose degree of independence varies from canton to canton. The federal president serves a one-year term, and his powers are so limited that few Swiss citizens even know who their president is.

Can South Africa dismantle apartheid without pitting race against race, tearing apart the nation, and destroying the economy?

The consequence of this full-scale devolution of power to local levels is that the Swiss are very much involved in the decisions that affect their lives, and the efficacy of economic policies is demonstrated continually, as canton and community governments compete with each other, as it were, in the politico-economic marketplace.

Leon and I propose that South Africa be divided into over 100 cantons based initially on the present magisterial districts, since they are administrative rather than ideological units and are mostly multiracial. (Functions currently carried out along magisterial lines include criminal and civil courts, school boards, police districts, and welfare offices.) Once the initial cantons were established, canton boundaries could be changed and new cantons formed through referendums among all the residents of an affected area. The formation of cantons would be an organic and ongoing process—as it is in Switzerland, where new cantons are being formed to this day.

The primary legislative bodies under our plan would be canton governments. The central government would be restricted, as in Switzerland, to only six or seven functions; any additions to its power would have to be approved by all cantons. Elections would take place at the cantonal level, and policies would probably vary considerably from one part of the country to another. The competition that would inevitably occur among the various governments would force the politicians to meet the needs of voters in general rather than those of special-interest groups.

All citizens would be further protected by a bill of rights. Some of the clauses we propose would:

- forbid all laws discriminating on the basis of race, ethnicity, color, creed, gender, or religion (to make this clause politically acceptable, local communities would have 10 years to phase out their discriminatory laws);
- provide for universal suffrage in all national and cantonal referendums and elections;
- protect freedom of movement, freedom of speech and the press, and freedom of association and disassociation;
- establish the right of any citizen to own, acquire, use, and dispose of property;
- forbid the government to confiscate property except in certain very limited circumstances;
- provide for trial, legal due process, and the right of appeal;
- protect minority groups from government actions that constitute victimization by the majority;
- give every citizen with sufficient support on petitions the right to launch a popular initiative calling for a referendum on any law, practice, or policy or calling for a general election.

Devolution's Solutions

A truly democratic system such as this would solve South Africa's problems in two important ways. First, it would meet fully the aspirations of most blacks by ensuring complete equality of all people

before the law, universal suffrage and maximum participation of all individuals in the political arena, and full protection of individual freedom.

The very factors which would serve to meet black needs would at the same time allay white, Indian, and colored fears. The bill of rights, while liberating blacks, would simultaneously protect whites, Indians, and coloreds from losing their freedom and property. Because people would be free to move from one canton to another and to participate actively in all decisions affecting their daily lives, the specter of domination by an alien group would be significantly diminished.

Since the vast majority of South Africa's people are black, most cantons would have a substantial black majority. It seems likely that most would end up with governments formed from some kind of moderate, multiracial alliance. Leaders from all racial groups and political parties already meet regularly with their local counterparts and know them well. We have little doubt that they would soon reach some kind of agreement.

Although we make no provision for ethnicity in our proposal, arguing that government at all levels must be "color-blind," those whites who are determined not to mix with other race groups could maintain their "purity" by buying up all the land in one or two cantons and discriminating through the exercise of their property rights. This would probably be possible only in a few rural districts where whites already own most of the land. Since the bill of rights would ban discrimination in public facilities, they would have to build private schools, swimming pools, and so on if they wished to discriminate on the grounds of race. Thus they themselves would bear the cost of indulging their preferences rather than forcing their fellow citizens to pay the price, as they do now.

The current black "homelands," created under apartheid, should be free to become cantons or not, as they choose. However, all citizens of homelands should also be granted South African citizenship and allowed to move freely into South Africa. Homeland leaders would therefore be subject to the same discipline of competition as canton governments.

Apartheid Is Not Capitalism

For years, blacks have heard over and over again, on radio and television, in newspapers and journals, and especially from leaders of the ruling National Party, that South Africa has a capitalist economic system. Consequently, many blacks equate capitalism and apartheid. Their solution to South Africa's problems is socialism. Our preference is capitalism, *real* capitalism, but our proposal leaves room on a local level for alternative systems.

Some cantons would probably introduce many socialist measures. Indeed, it would be possible for pure communist enclaves to form—but for this to happen, the canton governments concerned would have to buy all the businesses and land from their private owners and would not be able to prevent those who wanted to from leaving, because individuals would be protected by the bill of rights. Other cantons could follow the example of the independent homeland Ciskei and become tax havens with a minimum of economic regulations. (See "Ciskei's Independent Way," REASON, April 1985.)

A cantonal system would also preserve a future for black business people like Sam Motsuenyane. The son of a farm laborer, Motsuenyane pushed himself through school and eventually earned a scholarship to study agricultural science at the University of North Carolina. He has been president of the leading black business association, the National African Federated Chamber of Commerce (NAFCOC), since it was founded 18 years ago.

Having succeeded in a system hostile to black ambition, Mosuenyane understands why many blacks dislike and distrust business and capitalism, yet he fears the consequences of that hostility.

"The black business community has suffered during the unrest more than any other group in this country," he recently observed in *Leadership* magazine. "The reason may be that black businessmen are seen to be cooperating in one way or another with government or with the system." He went on to say that it is essential for members of the business community to show they are involved in the struggle for freedom and justice.

Motsuenyane lived in a modern spacious home on a plot in the middle of Winterveld—a large area that encompasses one of South Africa's poorest regions, populated mainly by squatters. In June, his home was firebombed, so now he lives in a mobile home on the property.

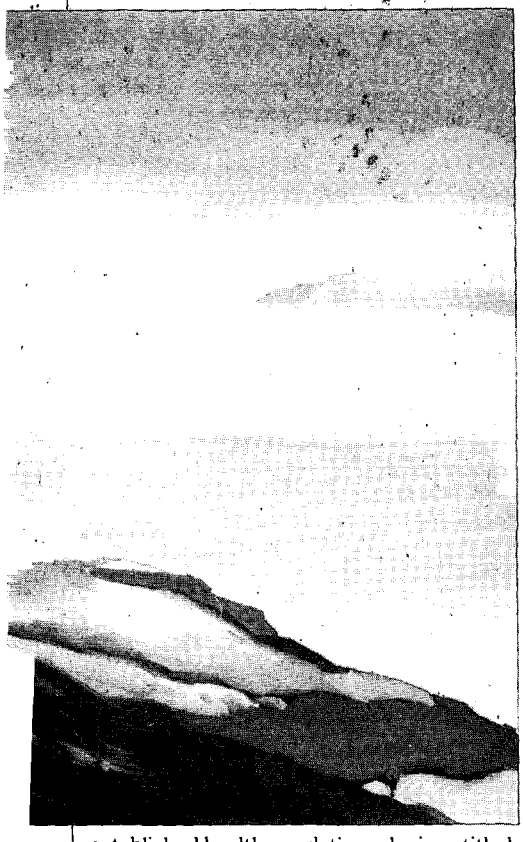
Earlier this year, Motsuenyane met with ANC leaders to discuss "the economic involvement of blacks in the future and the survival of the free-enterprise system." He told *Leadership* that both his group and the ANC agreed on a number of things. "For example, we agreed that the free-enterprise system in our country is not free at all—something we have been saying all along."

At present we have two separate economic systems in South Africa—a mixed economy for whites and Indians, and socialism for people of mixed race and blacks. Different economic policies have been applied to different races. Roughly speaking, white South Africans have only slightly less economic freedom than North Americans. Indians have had no political rights but enjoy

economic freedoms similar to, though fewer than, whites'.

By contrast, blacks and to a lesser extent coloreds live under conditions of almost pure socialism. Virtually every aspect of black life has been provided and controlled by the state—from houses, hospitals, and nurseries, to schools and transport. Until very recently, genuine private ownership of land and free exchange of land rights were prohibited in black areas. The government has controlled the trade unions and not allowed blacks to move freely from job to job.

If a white South African wants to open a fish and chips shop in a white area, all he has to do is fill in a form, find a zoned business site, and sign a lease with the landlord. If he complies with objectively



established health regulations, he is entitled, as a right, to sell fish and chips. No one must approve of him as a person; no questions are asked about his nationality, competence, resources, or language. No bureaucrat decides if there is adequate "need and desirability" for such a shop. Simply because he is a white in a white area, he is entitled as a right, according to objective criteria, to open a fish and chips shop—or almost any other business.

For a black, the situation is very different. Before he can open a fish and chips shop in Soweto, he has to ask an official for a site. The official may or may not grant his request, for reasons which he need not disclose. He may say yes because he likes the applicant, or is related to him, or because he has received a sufficiently generous bribe. He may say no for equally subjective reasons. If the site is granted, the potential entrepreneur has to apply to another official for a license. This may or may not be issued, for similar reasons. Then on to the health officials. And the building inspectors...until, many months and hundreds of rands later, he might be turned down for unspecified reasons.

In South Africa, a state that intrudes on every aspect of blacks' economic lives, it is impossible to separate economic and political reforms. For it is not capitalism but socialism that has forged the chains which shackle South Africa's blacks. The way to break the chains is not by passing more laws but by repealing forthwith those that discriminate against blacks. Our platform, with its protection of property rights and guarantees of equal treatment of all races, would accomplish this goal.

Is Anybody Listening?

Within a few weeks of printing, *South Africa: The Solution* was the number-one nonfiction bestseller in this country. In the months that have followed, it has remained among the top five nonfiction bestsellers. The normal print run for a political book of this type is 2,000. A sale of 5,000 copies over one or two years is considered very good. *Permanent Peace*, generally thought of as quite a successful book, is on its way to selling 2,000 copies, one year since printing.

White South Africans, whether *verlig* (enlightened) or *verkamp* (conservative), are united in their fear. And the rhetoric of many black activists only reinforces that fear.

We ambitiously printed 9,000 copies of *The Solution* in March 1986. They were sold out within six months. Well into its second printing, the book continues to sell in the region of 2,000 copies a month. An Afrikaans version should be in bookstores by the time this article appears.

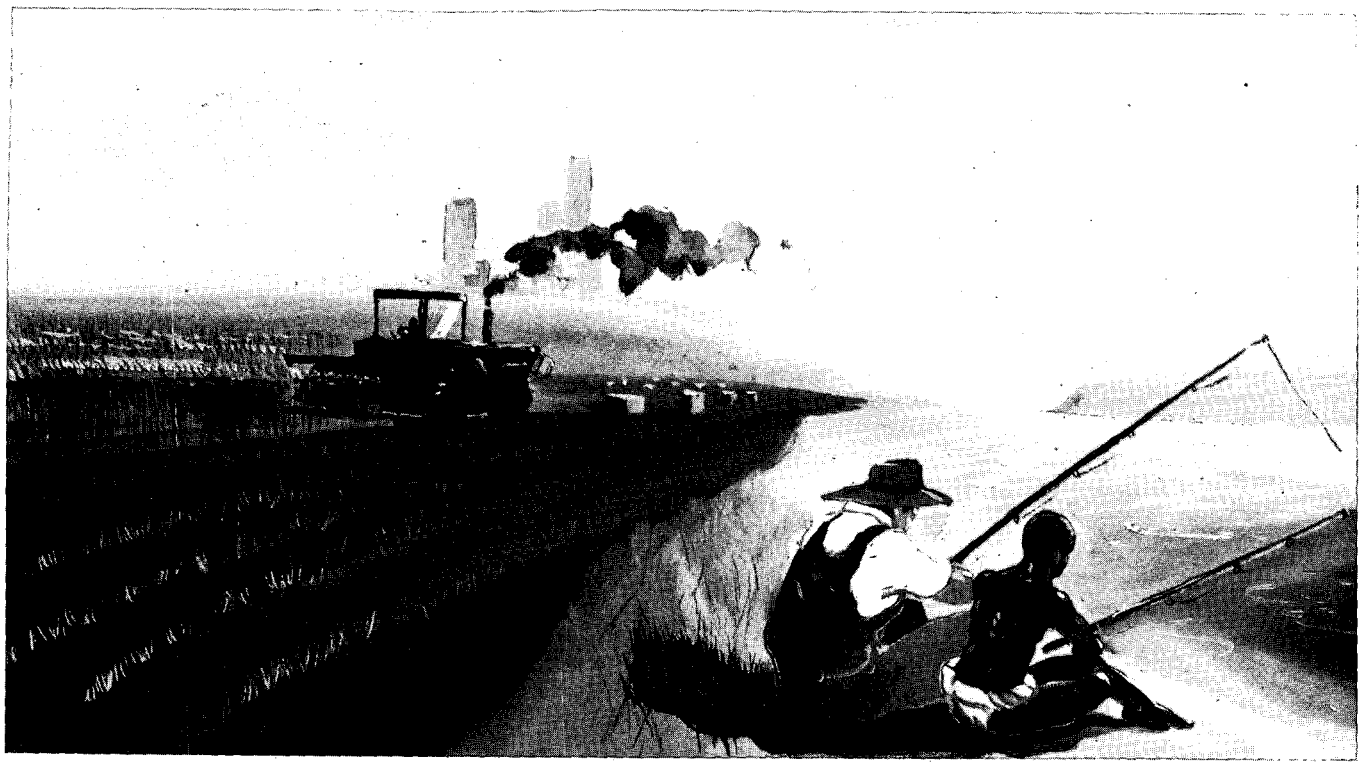
The point is not to boast but to indicate the real-world likelihood of South Africa's moving toward the solution we propose. Ordinary people everywhere are reading the book. They tell their friends, write to newspapers and magazines, and send books to people in positions of influence. Written in jargon-free language and aimed at lay people, *The Solution* has sold many copies to women in a country where economics and politics are still very much male preserves. The book is also selling well among blacks.

Almost daily, Leon and I receive phone calls and letters from people eager to help us promote the book's ideas. We address groups around the country, ranging from white separatists to black nationalists. Almost invariably, our ideas elicit the same response —initial skepticism, followed by growing excitement and enthusiasm, and finally offers to help spread the message.

The Solution's high sales seem to be mainly a result of personal recommendation, since the book has been in no way a "media event." It has been cautiously reviewed by most major newspapers, both Afrikaans and English, many of them offering little more than a brief summary of the contents. A fairly typical comment came from the *Argus*, the major English-language paper in the Cape, where the reviewer said, "The authors have perhaps tended to view the canton system through rose-tinted glasses, but this does not seriously detract from a book which is worthy of careful study." Similarly, the black business magazine *African Business* wrote, "The book is exciting to read, but tends to be very idealistic."

The book has received only two very negative reviews. *The New Nation*, a left-wing paper brought out by the South African Catholic bishops Conference, published a review that concluded: "I don't think this book really offers The Solution, it might just be part of the problem."

The other negative review appeared in the *Financial Mail*—the most widely read financial journal in the country and one that usually displays a strong pro-free-market bias. The reviewer, an academic from the University of the Witwatersrand, found the best thing he could say about the book is that it is "quite charmingly naive." He went on to say "the detailed proposals are a hoot" and "the authors present a Monty Python-ish scenario of a future happy land with AZAPO-dominated cantons nestling contentedly alongside [liberal opposition party] PFP-dominated cantons." This review was followed by a flood of letters vehemently defending the book. "Come on South Africa," said one, "let's have a canton system. It's now or never." (Interestingly enough, the *Financial Mail* also printed an extremely



negative review of Beckett's *Permanent Peace*.)

Despite such reactions, our cantonal proposal is receiving important consideration as a model for reform. Leon and I have presented our ideas to the Indaba—a group of white leaders from Natal province and black delegates from the neighboring homeland of KwaZulu who are meeting to determine a post-apartheid option for Natal-KwaZulu. (See the interview with Gatsha Buthelezi, chief minister of KwaZulu, REASON, March 1986.) Although the Indaba has little credibility among many people on the left, because it does not include representatives from the ANC, many South Africans hope that the government will give Natal the freedom to create a multiracial government that the rest of South Africa might emulate.

After we presented our proposals to the Indaba, its chairman, Professor Desmond Clarence, told the Cape *Argus*, "Although there is no real framework, it looks as if the plan could be influenced by the Swiss Canton system. Authors of the book *South Africa: The Solution*, Leon Louw and Frances Kendall, are among the few people who have been asked to give evidence to the Indaba."

Shall We Overcome?

There are two major, obvious stumbling blocks that will have to be overcome if our ideas are to be realized. The first is that the current government would have to surrender most of its present powers—something no government is wont to do. There is considerable evidence, however, that the South African government recognizes that the loss of much of its power is inevitable. It has already openly accepted the principles of power-sharing and devolution. Chris Heunis, minister of constitutional development and planning, has written in *Leadership* that the government has made "inquiries into maximising the devolution of powers to local authorities and minimizing central or provincial control over them."

Our proposal would meet black aspirations by ensuring equality before the law, universal suffrage, and individual freedom. And it would allay the fears of other South Africans.

The second major impediment to mega-devolution is those politicians, both black and white, who are not interested in the well-being of South Africans in general but in personal aggrandizement. A canton system would represent the end of their chances to seize unlimited political power.

The only way to outwit these people is to go straight to the electorate with a new constitution. If South Africans of all races were to adopt a new political system through a referendum of all citizens—with equal voting rights for all—those people who tried to boycott the new system would reveal their true colors. Before such a referendum could be run, it would be necessary to educate people on a massive scale as to what a cantonal system would mean, thus gaining their support and bringing about a popular movement in favor of mega-devolution.

We will have to generate sufficient pressure from all sections of the public to push the government into drawing up a constitution along the lines I have outlined. We believe that leaders from all groups should be consulted while the constitution is in the process of being drafted, and these leaders must include Nelson Mandela and other political prisoners. Unless they are released and the ANC and PAC are unbanned, no proposal on the part of the government will receive any support from black South Africans, including moderates like KwaZulu chief Gatsha Buthelezi.

We have a long way to go, but energetic, creative, and intelligent people of great good will abound in South Africa. And, as UDF leader Allan Boesak has observed, "change does not roll in on the wheels of inevitability. It comes through the tireless efforts and hard work of those who are willing to take the risk of fighting for freedom, democracy and human dignity." ◻

Frances Kendall, coauthor of South Africa: The Solution, *is editor of* The Individualist *and author of* Super Parents Super Children.

CONSTITUTION

SERIES

1787-1987

The labor that brought forth our Constitution. First in a series in this Bicentennial year.

BIRTH OF A NATION

by William H. Riker

Much of what we are today we owe to the Constitution drafted 200 years ago to replace the original Articles of Confederation. Suppose the Constitution had not been adopted. What would we be like?

Geographically, the original area east of the Mississippi might still be together, although I think it unlikely. Even before 1787, separatist movements agitated Vermont, Maine, Kentucky, and Tennessee. Almost certainly the United States would not include the West, although Texas-like revolutions might have created other English-speaking republics.

Politically, a weak eastern confederation and several independent nations in a balkanized West might well have had quite a different history. Doubtless there would have been wars, but nothing quite like the Civil War; and today parts of the old South might well be like South Africa. North America would not have had much voice in world affairs, and in particular, the First World War might have turned out differently, precluding both Lenin and Hitler but doubtless admitting other, unimagined horrors.

Economically, the great American common market would probably never have emerged, thereby minimizing capitalism, moderating industrialization, discouraging immigration, and perhaps perpetuating something of a colonial economy.

Morally, our political and economic liberalism, today a beacon for the world, would almost certainly have shone less brightly, if at all. The framers feared mercantilist state governments manipulating the economy and political rights for private advantages. Their horrible example was Rhode Island, where, for the year before the Philadelphia Convention at which the Constitution was hammered out, a populist legislature had been destroying liberty. First it printed paper money so its politically dominant farmers could defraud their creditors. When the paper quickly depreciated and merchants refused to accept it, the legislature made refusal a felony and established special courts with specially selected judges to force acceptance. For the hapless butcher or miller caught in this trap, punishment was jail and permanent loss of civil rights, especially the right to vote.

The framers believed such populism was spreading. First Rhode Island, then Shays' Rebellion in Massachusetts which had the same goals, and then what? Virginia per-

haps, where Patrick Henry sounded pretty much like the Rhode Islanders? Or Maryland with Sam Chase? Or North Carolina with Willie Jones? The framers visualized, correctly, I believe, a future of petty populist tyrannies in state governments. The Constitution they devised thus became the bulwark of civil and economic liberty against such abuse, not only for America but for the world.

This great achievement did not come easily. Looking back at, say, the year 1785, it seems astonishing that the Constitution was ever born. In that year, many states were controlled by people who were later Antifederalists, that is, partisans of provincial political establishments.

Furthermore, while the faction that later became Federalist had controlled Congress in the early 1780s, it had twice failed to institute its main reform—a national tariff to make the national government financially independent of the irresponsible states. Yet in two years, 1787-1788, the Constitution was written, ratified, and put into operation. The great historical question is: How did the framers and their political friends manage to bring about a permanent triumph for centralization and liberty?

Their way was paved in 1786 by the Annapolis Convention. Many people, including many who were later Antifederalists, believed that Congress ought to have more authority over interstate and foreign commerce. Five states responded to Virginia's appeal for delegates to a convention in Annapolis to consider commercial revisions of the Articles of Confederation. While five states were too few to propose any substantive reforms, the assembly did call for another convention in Philadelphia the next May to revise the Articles generally.

This time 12 states—all but Rhode Island—sent delegates. What made the difference between Annapolis and Philadelphia? The two great political issues of 1786.

One was a projected commercial treaty between Spain and the Confederation. It would have given American ships unlimited access to Spanish ports while closing the Mississippi (that is, charging exploitative tariffs) for a period of perhaps 20 years. These terms were highly advantageous to New England seamen and devastating to western farmers. Such a treaty couldn't pass under the Articles because five states could stop it. But the southern states were appalled and wanted commercial regulations that would put an end to such proposals forever. Virginia took the lead, therefore, to invite the other states to Philadelphia and to force Congress to endorse the convention.

James Madison thought state legislators were easily misled by paper-money demagogues. Congressmen, he wrote, would never consider paper money.

The other political event was Shays' Rebellion—not much as rebellions go, but devastating to Americans who could not understand why voters would rise up against a republican government. Actually, the rebellion was easy to understand. In 1785 Massachusetts had raised taxes to pay off war debts, thereby causing many sheriff's sales among subsistence farmers in the west, who had no cash to pay taxes. So they tried to stop the sales. Their intent was generally misunderstood—George Washington, for example, even thought the British were stirring up the rebellion. Regardless of the Shaysites' motivations, however, New England states were distressed enough to send delegates to Philadelphia.

The most remarkable feature of the 55 delegates who came to Philadelphia was that they were almost entirely of one political faction, the nationalists, soon to be called Federalists. They were men who, like Washington and Benjamin Franklin, wanted a strong central government for military and diplomatic reasons or who, like James Wilson (Pennsylvania) or Alexander Hamilton (New York), wanted it for commercial and trading reasons or who, like James Madison (Virginia) and Rufus King (Massachusetts), wanted it for reasons of domestic order in a liberal society.

If we were to have a constitutional convention today, both parties would be well represented. But in 1787 only nationalists came. Leaders of the provincials took no interest in the convention and, in a number of notable cases, rejected opportunities to attend. They were reluctant to legitimize a convention that they correctly believed was a gathering of nationalists. And they saw no danger in boycotting: amendment of the Articles required unanimity, and twice a national tariff had been vetoed by one state (first Rhode Island, then New York). Presumably at least one state would veto any serious amendment from Philadelphia. So it was safe for the provincials to stay home.

Consequently, only two effective provincials were in attendance at Philadelphia: Elbridge Gerry (Massachusetts) and Luther Martin (Maryland). They took an active part in debate and sponsored several improvements crucial for ratification, but they were not able to convert anyone else to their provincialism. (There were several other provincials present: Robert Yates and John Lansing, both of New York, went home after a month when they saw how things were going; John Mercer (Maryland) dropped in for only a week in August; and Virginians George Mason and Edmund Randolph refused to sign the Constitution, though they took a strongly nationalist position right up to September and Randolph supported the Constitution in the Virginia ratifying convention.)

Not surprisingly, therefore, the convention ultimately framed a remarkably centralizing constitution. Think of the range between an alliance of independent governments such as NATO, where all the important decisions for the alliance are made by the member governments, and a unitary government such as France, where all the important local decisions are made by the national government. The United States under the Articles was very close to the alliance end of the scale, while the United States of the Constitution was more than halfway to the unitary end. This is what the nationalists of 1787 intended, and this is what they achieved.

James Madison, then an ardent nationalist, devised the plan for the Constitution. He had served in both the Virginia legislature and the Congress, and he saw a great difference in the average quality of members. The former was full of back-

country farmers, easily misled by paper-money demagogues, while the latter contained a national elite who, as he wrote to Washington, would never consider paper money.

In planning for the convention, therefore, Madison devised a system in which state officials *had no voice at all*. It consisted of a national legislature where the states would be represented according to population (not equally, as under the Articles), with the lower house popularly elected, the upper house elected by the lower, and an executive and judiciary chosen by both houses together. The national government was to be supreme in its sphere and, moreover, was to have an *unconditional veto* over state laws.

The Virginia delegation adopted Madison's plan with only slight revisions. Had the whole convention also followed Madison closely, the United States would have immediately been as centralized as France. But, while the framers probably did agree with Madison, debate revealed that the harshest features would have to be modified to make the plan palatable to state officials for ratification.

For one thing, Virginia's insistence on unequal representation did not sit well with the small states, who much appreciated their veto in Congress. For the first half of the convention this was the main point at issue. It generated dramatic debate: Gunning Bedford (Delaware) threatened to look "elsewhere" (read: England) for support and Gouverneur Morris (Pennsylvania) replied with the threat of unification by the sword. But in the end the dispute was compromised with equality of states in the Senate and inequality in the House.

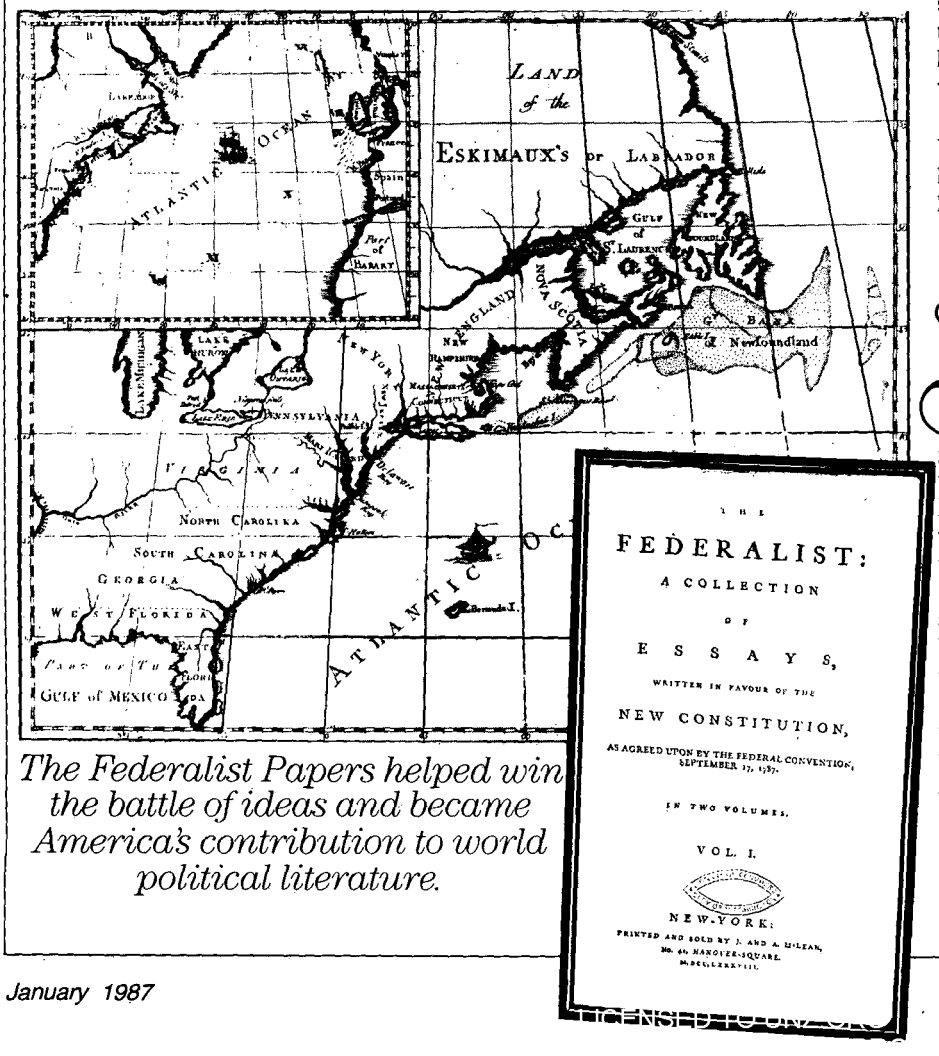
Looking back, it seems that compromise was more or less inevitable. The small states were in fact the most clearly nationalistic: Delaware was the first state to ratify, New Jersey the third; Georgia, the fourth, ratified unanimously, while Connecticut, the fifth, ratified by a huge majority. Charles Pinckney (South Carolina) remarked cynically: "Give New Jersey an equal vote and she will dismiss her scruples and concur in the national system." He was right. William Paterson (New Jersey) was not an incipient Antifederalist—he just wanted a loud voice. Hence the obvious compromise: equal representation in the Senate, unequal in the House.

The only other really difficult issue was the method of selecting the president. Madison wanted most of all to exclude state officials from the selection process. The obvious alternative was Congress, which would make it a kind of parliamentary government. But Pennsylvania in fact had such a government, and the Pennsylvania delegates believed that it resulted in populist tyranny. (In parliamentary governments it often happens that the executive is elected by a coalition that wins just over half the voters in half the districts; hence he represents about one-fourth of the voters, surely not majority rule.)

Pennsylvania's Gouverneur Morris and James Wilson both urged some other means of electing the president, by popular vote or by an electoral college of some sort. Morris probably invented the method adopted, the electoral college, a fine compromise that left open the choice of electors, possibly by state legislatures (as happened at first) and possibly by popular vote (as happened later), and that had Congress choose in the absence of a collegial majority.

These two alterations gave state governments some role. Furthermore, the national legislative veto of state laws was softened to a national judicial veto only in the case of conflict of laws, which was in the long run about as potent but in the short run was less offensive to state pride.

Thus modified and of course fleshed out with institutional detail (including a direct prohibition of state paper money), the Virginia plan became the proposed Constitution.



THE
FEDERALIST:
A COLLECTION
OF
ESSAYS,
WRITTEN IN FAVOUR OF THE
NEW CONSTITUTION,
AS AGREED UPON BY THE FEDERAL CONVENTION,
SEPTEMBER 17, 1787.
IN TWO VOLUMES.
VOL. I.
NEW-YORK:
PRINTED AND SOLD BY J. AND A. M'LEAN,
NO. 41, HANOVER-SQUARE.

The Federalist Papers helped win the battle of ideas and became America's contribution to world political literature.

It is astonishing enough that the Federalists were able to maneuver state legislatures into sending delegates to a convention. It is even more astonishing that they gathered together the partisan collection that wrote a strictly Federalist Constitution. But what is most astonishing of all is that they were able to get this partisan document ratified.

The first step toward ratification was the adoption of a winning procedure. From the beginning, the Virginia plan provided for ratification by state conventions rather than state legislatures—another Madisonian device to exclude state officials who had a vested interest in the status quo. Under the Articles of Confederation, amendments required unanimity and Rhode Island, certainly, and New York, probably, would have vetoed the new Constitution.

To initiate their proposal, therefore, the framers had to bypass unanimity. This they

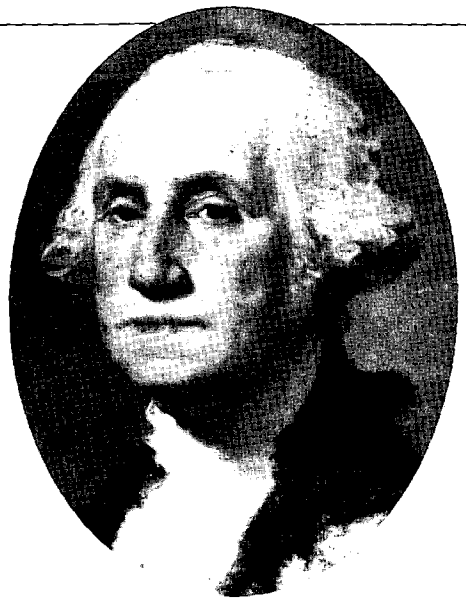
did by starting over as if the Articles had never existed. The Articles were said to be flawed because they had been ratified by legislatures elected for other purposes. Now the new Constitution was to be ratified by specially selected conventions, which they counted as direct ratification by the people. In changing the procedure it was also reasonable to change the majority. Some—for example, Washington—thought 7 out of 13 of the states was sufficient. Others thought 9 out of 13 was conventional, a number often used in Congress, and 9 out of 13 was adopted.

This procedure made the Federalists' task feasible although still difficult. Some ratifications came easily. Pennsylvania Federalists, fearing (incorrectly, as it turned out) that they would lose the fall election, provided for a special election for the ratifying convention even before Congress had transmitted the Constitution. Antifederalists naturally resented this unseemly haste, but the Federalists won and ratified by a large majority in December, only three months after the Constitution was signed. Speedy as Pennsylvania was, its satellite, Delaware, had ratified first, unanimously. New Jersey ratified unanimously in December, and Connecticut followed with a 2-to-1 majority early in January. These two states were apparently eager to avoid New York's tariffs. Georgia also ratified unanimously in December because, at war with Indians instigated by Spain, Georgians wanted military aid.

Five easy pieces. Then Federalist momentum slowed down. Two other easy states were in the offing: Maryland and South Carolina. But for local political reasons they delayed their conventions until spring. All the other states were difficult. Strong Antifederalist opposition had developed in the autumn.

In Massachusetts, the commercial and market-oriented east was strongly Federalist, but the subsistence-farming west was unconcerned about national problems. Similarly in New Hampshire—except that the northwest was Federalist out of fear about the border. Virginia and North Carolina were also divided east and west, though as it turned out Virginia had a Federalist majority and North Carolina initially rejected the Constitution. Rhode Island was not expected to ratify, and in New York the city and its environs were enthusiastically Federalist, while upstate, where they lived substantially tax-free on the tariffs collected in the city, Antifederalism was very strong. Six difficult states, and the Federalists, by the terms they had themselves set, had to get at least two of them.

As it turned out they got four. And the trick was that in the very course of ratification they changed the agenda. In effect they amended the proposal to render it more palatable. For comparison, imagine a referendum today. About noon on election day the sponsors of a referendum realize it might fail; so they announce that, on their honor, they will change it, after it has been passed, to satisfy the main complaints. Thereupon it passes and indeed later they change it. An unbelievable scenario. But that is about what happened.



Voters identified the Constitution with George Washington, which is almost certainly one of the main reasons it was ratified.

When Massachusetts Federalists realized that Antifederalists had a majority in the ratifying convention, they proposed that the convention ratify and recommend amendments, which they promised to pass in the first Congress. The Massachusetts convention then ratified! The same promise worked in Virginia and New Hampshire, and possibly also in New York, though in New York, the 11th state to ratify, the main motivation seems to have been a fear of being excluded.

So the Federalists had 11 ratifications by July 1788, less than two years after Annapolis; Congress and presidential electors were chosen in the fall of 1788; and the new government was in operation in the spring of 1789. This Federalist triumph gave us a fairly centralized Constitution that was able to withstand even civil war. To whom do we owe this legacy?

First of all, I believe, to George Washington. He sponsored a two-state meeting on Potomac navigation, which was the beginning of the call for the Annapolis Convention, which in turn led to the Philadelphia Convention. As this sponsorship indicates, he was, from 1784 onward, a strong proponent of a better national government. More importantly, he came to Philadelphia, acted as president of the convention, and gave the Constitution his strong endorsement. Voters identified it with him, which is almost certainly one of the main reasons it was ratified.

The second main figure was, in my opinion, James Madison. He came to Philadelphia with a plan, persuaded the other Virginians to sponsor something close to it, and devoted the summer to managing it through the convention.

Other framers who played an important part in developing features of the Constitution were:

- Gouverneur Morris, who spoke most frequently, served more steadily on committees, and probably invented more clauses than any other delegate—and he wrote the final draft, so we owe its sonorous phrasing to him;
- the three delegates from Connecticut, Roger Sherman, William Samuel Johnson, and Oliver Ellsworth, who pressed for the compromise on representation in the House and Senate;
- Elbridge Gerry and Nathaniel Strong of Massachusetts, who provided the swing votes on the crucial issue of representation—had this vote gone the other way, the convention might well have recessed, never to reassemble;
- James Wilson of Pennsylvania, who, along with Gouverneur Morris, was the strongest voice in the convention for the inclusion of democratic features.

During the ratification campaign there were, of course, many important Federalist leaders. But among the debaters, Madison and Alexander Hamilton stand out. The *Federalist Papers*, which they wrote with the help of John Jay, is America's contribution to world literature on politics.

And finally the voters. Looking at elections both before and after the ratification elections, it seems that Antifederalists might have been a majority in the era. But for the ratification itself, the Constitution won—and we owe that to the good sense of the ordinary citizens of 11 states. ◧

William Riker is Wilson Professor of Political Science at the University of Rochester. His most recent book is The Art of Political Manipulation.

The Capitalist Revolution

THE CAPITALIST REVOLUTION
by Peter L. Berger

Is capitalism a conservative force in the modern world? On the contrary! In this extraordinary book Peter Berger argues that from its inception, capitalism has been a force for dynamic transformation in one country after another, that it has radically changed every material, social, political and cultural facet of the societies it has touched and continues to do so. Berger undertakes the formidable task of trying to understand the revolutionary impact of capitalism on modern society, comparing its effects with other historical forces, and with those of socialism. Already being heralded by advocates of both capitalism and socialism as an intellectual event, THE CAPITALIST REVOLUTION is likely to set the tone for much debate in the years to come. A stellar performance that raises some fascinating issues. Don't miss it!

CU4415 (hardcover) **$17.95**

HOW AN ECONOMY GROWS AND WHY IT DOESN'T
by Irwin Schiff

Schiff provides a witty and entertaining "introduction to economic principles" that is ideal for kids. The *Economics in One Lesson* of comic books.

EC1634 (paper) **$6.95**

ECONOMICS IN ONE LESSON
by Henry Hazlitt

The best primer on economic principles ever written, showing the long-run effects on the economy of all government intervention. Refutes every common myth about the necessity of state intervention and the unworkability of laissez faire.

HH0014 (paper) **$6.95**

FROM ADAM SMITH TO THE WEALTH OF AMERICA
by Alvin Rabushka

Shows how the radical ideas of Adam Smith and others in the 18th century led to radical reforms in the 19th, how it is happening again today in the Pacific Basin nations, and what these lessons mean for America.

EH0363 (hardcover) PUB. PRICE $29.95
1/2 PRICE SALE $14.95

HUMAN ACTION
by Ludwig von Mises

Mises lays the foundation for understanding economics and analyzes market phenomena, concentrating on capital, interest, money and price. A systematic study that covers every major topic of the science of economics. Encyclopedic in its defense of the free market. 885p.

LV0078 (hardcover) PUB. PRICE $49.95
OUR PRICE $39.95

ATLAS SHRUGGED
by Ayn Rand

What happens when the world's most creative and productive people go on strike against parasites and government looters? Find out in this towering novel, which gained Rand a worldwide following. 1168p.

AR0170 (hardcover) **$26.95**

MONEY AND FREEDOM
by Hans F. Sennholz

"This is the story of the loss of freedom in matters of money and banking, but it also points the way toward a new freedom. No money monopoly nor legal tender law, no banking regulation nor credit manipulation must induce us to despair. Freedom springs eternal in the heart of man."

AU4109 (paper) **$5.95**

TOM SMITH & HIS INCREDIBLE BREAD MACHINE
by R.W. Grant

Entirely in verse, *Tom Smith* provides an entertaining and provocative view of the age-old conflict between the productive individual and the compulsory state. "Amusing, yet profound."—Milton Friedman.

EC4131 (hardcover) **$5.95**

HOW THE WEST GREW RICH: The Economic Transformation of the Industrial World
by N. Rosenberg & L.E. Birdzell, Jr.

How did the West escape from the grinding poverty of centuries past into sustained growth and prosperity? The authors trace progress to the breakup of centralized political and religious controls over economic life that left the economic sphere free to engage in "economic experiments." A brilliant vindication of economic freedom.

CU4103 (hardcover) **$19.95**

CAPITALISM AND FREEDOM
by Milton Friedman

"Friedman is an uncompromising champion of the free market, and one of the most effective defenders of capitalism in America."—Henry Hazlitt. A true classic!

MF0049 (paper) **$7.95**

THE SPIRIT OF ENTERPRISE
by George Gilder

An exciting look at entrepreneurs who doggedly persisted until they became successful. Gilder tells their stories vividly and discusses the implications of their experience for the economy as a whole.

EC0047 (paper) **$8.95**

CIRCLE YOUR CHOICES AND SEND US ENTIRE PAGE OR...

★ ORDER TOLL-FREE ★
1-800-238-2200 EXT 500

Charge your Visa or Master Card
Continental U.S. 24 hours a day. 7 days a week

OR *Send your order to* **LAISSEZ FAIRE BOOKS**
Dept. RBA, 532 Broadway, NY, NY 10012
Enclose $2.50 US Mail or $4.00 UPS postage & handling
($1.50 per book on foreign orders)

MONEY BACK GUARANTEE *If for any reason you are dissatisfied with any book, just return it within 30 days for a refund.*

LAISSEZ FAIRE BOOKS
Dept. RBA, 532 Broadway, New York, NY 10012

☐ Send me your FREE 32-page catalog of books on liberty.
☐ Check or Money Order ☐MasterCard ☐ Visa

CARD NO. EX. DATE
SIGNATURE
NAME
STREET
CITY/STATE ZIP

© 1986 LAISSEZ FAIRE BOOKS

By Mark Skousen

Miami Advice

In pushing through Congress the Comprehensive Money Laundering Prevention Act of 1986, the chairman of the House Banking Committee announced that this far-reaching legislation would serve notice to "drug dealers, tax evaders, illegal aliens, prostitutes, organized crime and illegal gamblers" that the government means business. Interpreted broadly enough, these categories of "criminal" activity would, I suspect, include a good many Americans.

This new law, as well as the tax-reform legislation, is bound to enlarge the federal leviathan, especially in your financial affairs. Central to the war on drugs, tax evaders, and other "dregs" of society is the effort to attack financial middlemen. Many innocent investors are going to be harmed by these draconian measures.

Be prepared for the following in 1987:

Reporting at the $3,000 level. The old $10,000 rule for cash transactions is out. Now, any cash transaction—including cashier's checks and money orders—by a banker, stockbroker, coin dealer, car dealer, or other business in excess of $3,000 must be reported to the Treasury. Imagine the trouble and invasion of privacy associated with real estate and other transactions that require cashier's checks.

The reporting requirement is worth avoiding at all costs because it in essence provides the government a list of suspected drug dealers. If your name appears several times, you could be investigated by the feds without your knowledge or permission. Unfortunately, it's going to get harder to avoid.

A new informer program. The money-laundering act makes it illegal for businesses to accept money from a "known drug dealer." This makes hearsay part of the law! Undoubtedly there will be lawsuits over defamation of character, but the law protects banks and businesses from liability if they disclose information to the government about suspected crimes. Henceforth, banks and other businesses can discriminate with impunity. They may start turning away people who appear to be the "drug-dealer type" or who speak with a foreign accent. You might have to take a drug test before doing business with your stockbroker or banker!

Your wealth will also be affected by the new tax law. Now you'll have to list Social

KEVIN POPE

Security numbers for your dependents five years of age and older. In addition, starting on the 1987 tax return, you'll be required to list tax-free municipal-bond income. Finally, the IRS budget is going up $700 million a year for the next five years, and most penalties (over 50 are in the tax code) are going to double. Expect the IRS to hire thousands more agents to harrass and intimidate those with high income.

What to do? It's time to create a private investment portfolio while you can still legally do so. By this I mean private, nonreportable investments that can be hidden from government, relatives, lawsuit-happy individuals, and other privacy invaders. I recommend the following:

• *Gold and silver coins.* We are in the beginning of a new inflationary trend, and precious metals are bound to move up. Buy popular gold, silver, and platinum coins. For maximum privacy, buy locally with cash at a reputable coin shop or a coin show. Store your coins in several safe-deposit boxes.

Recommended gold coins include the new American eagles, Chinese pandas, Canadian maple leafs, and Krugerrands, as well as the pre-1933 $20 and $10 eagle gold coins in brilliant uncirculated condition. However, stay away from high-grade MS65 coins—it's a phony market created by greedy promoters. Stick with common-dated uncirculated coins. I also recommend uncirculated U.S. silver dollars and half-dollars.

Two platinum coins worth investigating are the Isle of Man Noble and the Swiss Shooting Taler. (It's especially important to buy platinum confidentially because it is a strategic metal that the government will demand for its own purposes during a military or financial crisis).

• *Junior growth stocks.* Junior industrial and mining stocks can be a good investment if you're selective. Most won't pay any dividends, so they remain a quiet investment. Plan on holding for the long term. (For maximum privacy and safety, take possession of all junior stock certificates.) For a list of prospects, write for a sample issue of Dave Remark's monthly newsletter, National Securities Corp., 500 Union St., Seattle, WA 98101.

• *Foreign investments.* The private investor always seeks to protect his wealth from his government by investing outside his country. I recommend Swiss bank accounts, either in Switzerland or in the Bahamas. Other low-profile alternatives include England, Austria, Luxembourg, and Hong Kong. Foreign investments that qualify as private are precious metals, nondividend-paying stocks, insurance products, and real estate for personal use. For recommended banks and private investment alternatives, see my special report, "Secrets of Creating Private, Tax-free Wealth," P.O. Box 2488, Winter Park, FL 32790, $20.

You must report more than $5,000 in a foreign bank account to the Treasury. But you can avoid this limitation by purchasing Mocatta metal certificates, which represent ownership of gold or silver in Switzerland. You buy the certificates in the United States and the metals are stored in Switzerland, and most tax experts argue that this is not a foreign bank account. For more information, contact Rhyne Precious Metals, 110 Cherry St., Seattle, WA 98104, 800/426-7835.

Also consider purchasing a second home in a foreign country or opening a safe-deposit box in a country you frequently visit. All of these privacy-enhancing measures will help protect you from the advancing federal leviathan.

Mark Skousen, editor of the investment newsletter Forecasts & Strategies, *is the author of* The Complete Guide to Financial Privacy, *Simon & Schuster (1983).*

By John Dentinger

Sweet Success

Robin Rose is a sweet and feisty entrepreneur, the head of Robin Rose Ice Cream & Chocolate, with half a dozen stores in Southern California, two in Japan, and more in the works. She's been praised by *People* and *Los Angeles* magazines as having the best ice cream in Los Angeles. She recently received a governor's award as an outstanding California woman entrepreneur.

All of this came about in part because she has excellent products to sell and there is a market for quality ice cream and chocolates. But there's a little more to it: marketing savvy, a magnetic personality—and, of course, a rocky road to travel.

Rose's father was an entrepreneur. He started a furniture business, in which her mother also worked. It wasn't a luxurious childhood, but her father's work fed the family and gave then-Robin Friedman a model of ethical business conduct. "My father never hurt anybody, he never owed money that wasn't paid back, he gave people jobs, he took care of everybody fairly," she says.

She majored in economics at Stanford—where she also took ROTC courses in tactics and guerrilla warfare—and then earned an MBA from the University of Chicago. A long-time libertarian, she went to Chicago partly because of Milton Friedman. But her passionate view of business wasn't shaped in the classroom.

"If I taught econ, I would make value judgments—which, God bless Milton Friedman, were absolutely banished from his class. I am terrified that America is not going to be competitive past the year 2000. I am sickened at the size of the government, but I don't see that it's reversible."

So what would Robin Rose do? "I would give students a pep talk: Go out there and try to excel. Give 110 percent instead of 90 percent. Try honesty instead of deceit. It is its own reward, and it's a very invigorating way to live.

"When I went to Japan, I got goosebumps—people 80 or 90 were out early in the morning washing their sidewalks—the work ethic is so ingrained there. I see us as a flabby country....Are we really prepared to be a second-class economic power?"

Despite her strong views, however, Rose's stock in trade is ice cream, not ideology. "I can't afford to worry about it. I'm just going to collect my royalties from Japan, where they love my ice cream and call me 'Lobin Lose.' "

Robin Rose: *"Laissez-faire means 'watch it.' "*

She got into the business after five years designing sales promotions for Gallo Wineries and a brief stint as a liquor-industry consultant. In the beginning, Rose planned to sell chocolate truffles, a product she thought would capitalize on the boom in gourmet food.

She mortgaged her condominium, raised $200,000 in investment funds, and got the liqueur manufacturer Cointreau—one of her consulting clients—to donate $2,000 worth of their extract to the enterprise. She rented manufacturing space, where she experimented with a staggering 500 batches of truffles before settling on her recipes.

That done, she approached "every candy company in the western states" and offered a deal—they would make the chocolates and she would market them. "I just had one door after another slammed in my face."

So she rented her own warehouse near the beach in Venice, California, and began large-scale production with the help of her parents and a makeshift chocolate melter—a steam kettle rigged to an electric motorboat propellor. Her lease required that she buy $16,000 worth of ice-cream-making equipment already on the premises; she then found herself forced to spend an extra $20,000 to get the freezers to work. (People in the marketplace sometimes misrepresent things, she says dryly.)

The money spent, she began making ice creams, some with liqueurs. And in a serendipitous moment, she melted down a batch of raspberry truffles that didn't look good enough to sell and threw them into the ice-cream maker. When she began retailing ice cream a week later, Raspberry Chocolate Truffle sold out first. Within a few months, ice cream sales overtook chocolate sales.

In its early days, the business was called Via Dolce (Sweet Street), but love soon led to a new name. When a closed-circuit television salesman named Roy Rose came to install a new security system, Robin Friedman drafted him into helping her make ice cream. (She also instructed him to strip down to his shorts lest he ruin his clothes. The salesman complied.) "I knew I was in love within three weeks of our first date," she says. Robin Friedman became Robin Rose—and so did the store, which happened to be located on Rose Avenue.

In less than five years in business, Rose says, "I seem to have skirted one disaster after another, most of them from disreputable salesman." About two years ago, two men offered to set up a partnership deal to take her business national, then tried to squeeze her out. Rose has since looked with a jaundiced eye on "partnership" offers.

Lately, Rose has taken on her large competitor, Baskin-Robbins, which came out with liqueur-flavored ice creams, as well as a Raspberry Chocolate Truffle flavor. "It's not wrong for them to imitate me. It's wrong for them to say they created it." The press, with discerning palate, has sided with her.

Rose says her respect for the free market has been battered by the marketplace, but it survives. "My accomplishment is that I didn't become a statistic—I didn't become one of the four out of five businesses that fail within the first five years. I don't want people leaving high-paying jobs, putting everything at risk, so that they can become a failure, a statistic," she says. "Laissez-faire means 'watch it.' "

John Dentinger is a Los Angeles free-lance writer.

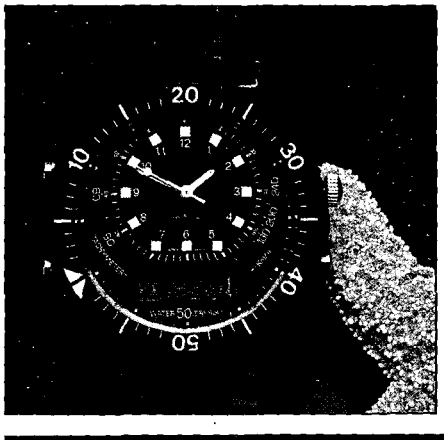
MAIL ORDER MALL[SM]

PUMPING RUBBER

The Lifeline Gym is the most space efficient, time efficient home fitness device on the market today. It allows you to simulate just about any of the exercises done on the expensive machines found in health spas and gymnasiums. The reason is rubber — a stretchable rubber cable of the type used on aircraft carriers. With this rubber cable, resistance increases with movement — your muscles are challenged through their full range of movement. And because you have to resist its tendency to snap back on the return move, you gain a double benefit from your effort. You overcome positive *and* negative resistance in the course of each exercise. **$46.00** ($4.95) #A748.

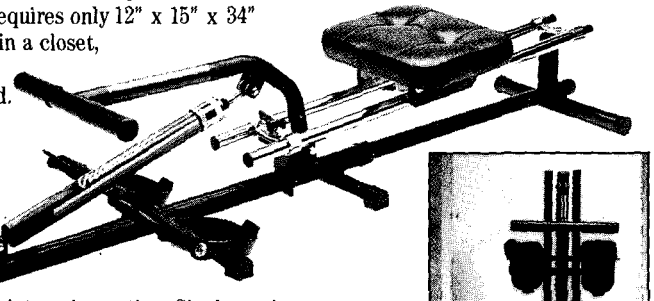
DIVER'S WATCH AT A ROCK-BOTTOM PRICE

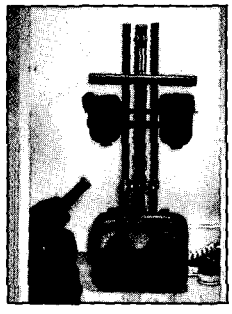
The Diver's Watch, priced under $50, is rated waterproof to 5 atmospheres (over 150'). The movable bezel, case and band are all "black chrome" plated in a rugged matte finish. Two sunken faces provide fully independent digital and analog timekeeping, so you can set one face to home time and one to travel time. Date, day and month display; alarm; 1/100 second chronograph with lap timer; choice of hourly chime, 12 or 24-hour format. Precision Japanese movement. 1-yr. warranty. **$39.00** ($4.95) #A1490.



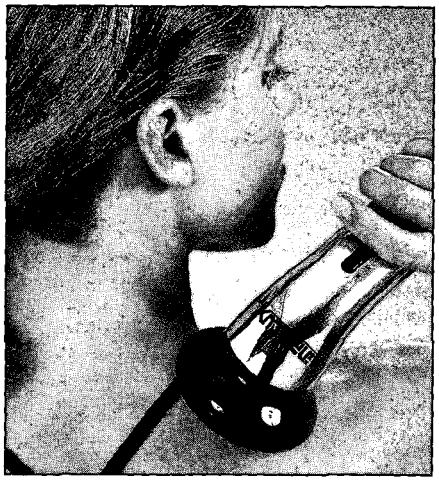
STOWAWAY ROWER

Rowers require elbow room. But when the workout is over, why have your home looking a health club? The new Stowaway Rower from Vitamaster like slides shut after use, requires only 12" x 15" x 34" storage space. Stow it in a closet, behind a door, in back of a couch, under a bed. Takes less room than a suitcase, packs all the quality you need, for a first-class workout. Padded contour seat with nylon roller riding on chrome rails for comfortable quiet rowing action. Single rowing arm with hydraulic tension resistance, 12 dial-adjustable settings, from ladylike to linebacker strength. Hefty tubular steel construction. No-Mar foot pads protect floor or carpets. Fits nicely in a budget, too, only **$99.00** ($11.95) #VMA1522.



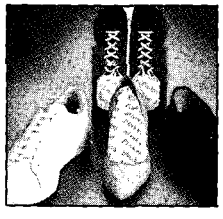


INFRARED IMPROVEMENT

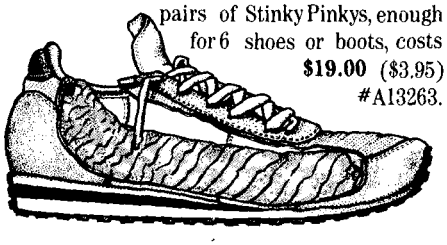


Home infrared heat treatments are an increasingly popular form of natural pain relief. Now the means of applying that heat have been significantly improved. Heating surface has been tripled, the larger contour head comfortably angled for reaching neck and back. The replaceable interior infrared bulb is now 10w, giving 45% more heat. The new Infralux relieves muscular aches and pains, sinus headaches, arthritis, bursitus, backache, neuralgia. Reaches deeper than heating pads or hot water bottles. Dilates blood vessels, increases cell metabolism, soothes irritated nerves. UL-listed. **$39.00** ($3.95) #A1524.

STINKY PINKYS



Fortunately, human anatomy is arranged so the nose and the feet are separated by the greatest possible distance. Even so, the twain do occasionally meet — and the nose is usually not delighted to know of the foot's exertions. Now just put a Stinky Pinky "sock" in each shoe and overnight odor is gone, absorbed by the special blend of all-natural earth materials. Works in running shoes, sneakers, boots, leather shoes, anything that goes on your feet. And keeps on working, too — just put Stinky Pinkys out in the sun for a day every three months or so to restore their odor-catching ability. Three pairs of Stinky Pinkys, enough for 6 shoes or boots, costs **$19.00** ($3.95) #A13263.



*ORDERING INSTRUCTIONS AND GUARANTEE: We ship via United Parcel Service wherever possible to insure prompt delivery. The price of each item is shown followed by its shipping and handling charges in ( ). Be sure to add the item price **plus** shipping and handling charges for each item ordered to arrive at the **total price** of each item. If you are not satisfied for any reason, return the article to us within 30 days, and we'll exchange it or refund the item price per your instructions.*

MAIL ORDER MALL

FOR FASTEST SERVICE ON CREDIT CARD ORDERS CALL TOLL-FREE 800-334-7777 IN NEBRASKA CALL 1-800-642-9900

DEPT. RSA07; 400 S. DEAN ST., ENGLEWOOD, NJ 07631

ABOVE NUMBER IS FOR ORDERING ONLY. FOR CUSTOMER INQUIRIES CALL (201) 569-9717.

SEND TO (PLEASE PRINT)			ITEM NO.	QUANTITY	DESCRIPTION/COLOR	ITEM PRICE	SHPG. & HNDLG.	TOTAL PRICE
ADDRESS								
CITY	STATE	ZIP						
ENCLOSED IS A CHECK OR MONEY ORDER FOR $		PAYABLE TO MAIL ORDER MALL						
☐ MASTERCARD ☐ VISA	EXP. DATE							
ACCOUNT #								
SIGNATURE							**TOTAL AMOUNT**	

(Sorry, we cannot handle Canadian, foreign or C.O.D. orders.) Please allow 30 days for delivery from our receipt of your order.

©1986 MAGALOG MARKETING GROUP INC.

ADVERTISEMENT

LIFE, LIBERTY, AND THE PURSUIT OF THE PERFECT HOLIDAY GIFT...

Make this holiday a relaxing one, no lines and no returned gifts, with the one-size-fits-all gift: a year of *Reason*. Give *Reason* to your friends and family and co-workers, and they'll thank you month after month.

It's so easy. At $15 for your first gift and $12 for each additional, it's the perfect mix of high quality and low price. (You save up to 50% off the regular full-year rates.)

Giving *Reason* is also trouble-free. We'll send personalized hand-signed gift cards announcing your gift. Or, if you prefer, we will send you the cards so that you can hand them out or sneak them under the tree.

GREAT FOR LAST-MINUTE GIFTS CALL NOW! 1-800-341-1522

Send in your instructions today—or call 1-800-341-1522. Then sit back and have a hassle-free holiday, knowing you've given a gift that will be appreciated long after the holiday spirit is only a pleasant memory.

Send *Reason* to:

Name_____
(please print)

Address_____

City, State, Zip_____

$15 for your first gift and $12 for each additional

☐ Payment enclosed ☐ Bill me later

From:

My name_____

Address_____

City, State, Zip_____

Use a separate sheet of paper for additional gifts—at only $12 each.

☐ Send gift cards to recipient ☐ Send gift cards to me

Mail to: REASON, P.O. Box 27977, San Diego, CA 92128

3107

Music For The Upwardly Mobile

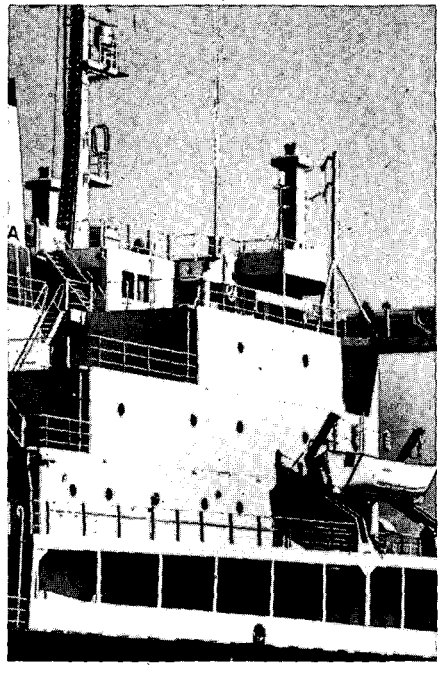
By Kyle Rothweiler

There is a composer working in America today with the finely resonant name of John Adams, and a record of his music has recently been released. It is performed by the San Francisco Symphony, conducted by Edo de Waart. The composition is a three-movement piece for full orchestra called *Harmonielehre*. It is a remarkable work.

The title is that of an eponymous treatise on harmony written by Arnold Schoenberg. In the illuminating interview printed on the back of the record jacket, Mr. Adams says: "It's always struck me as significant that Schoenberg produced this book at the same time—1910—he was making his radical break with the whole tradition of European harmony." There is irony in Mr. Adams's use of this title, perhaps also a challenge and a declaration. For his composition is resolutely and unabashedly built on the very harmonic principles that Schoenberg wrote about and that his music is supposed to have utterly killed off.

There is a belief—a dogma, rather—among 20th-century music critics that the tonal principles upon which Western music is based stretched themselves to the breaking point in the early years of this century and lost their viability as a creative force. This Big Bromide has been thoroughly refuted by the existence of the music of such modern masters as Prokofiev, Hindemith, Copland, and Britten. And once again with Adams this myth is proven null and void. His *Harmonielehre* reasserts the laws of harmony, laws as irrefutable and indestructible as the law of identity, the law of gravity, Gresham's law—all natural laws.

But there is a great deal more to Adams's piece than the revalidation of harmonic principles, which even the worst popular music has never dreamt of abandoning. There is, after all, nothing inherently noble in writing consonant rather than dissonant music. Indeed, the minimalist music of recent years has shown that unrelieved consonance can be just as tiresome and annoying as unrelieved dissonance.



Minimalist music is characterized by the use of trivial tunes and trite motives repeated, with only slight variations and only occasional changes of key, ad nauseam. Its harmonic progressions are hackneyed, its expressive range closet-like. It has no development and none of the organic growth, the dynamic dialectic of keys, and the vital variety and contrast that distinguishes serious music from Bach to Hindemith. The most famous work of the school, an opera (more or less) by Philip Glass called *Einstein on the Beach*, carries minimalist gimmicks to interminable lengths and is invariably described as producing a hypnotic effect and inducing a trance-like state. Minimalist music is not intended to stimulate the mind but to turn it into a sponge saturated with syrup.

Few artistic movements are without some benefits, in the form of technical innovations that are subsequently assimilated by better artists. Minimalism has some of these: a certain athletic propulsiveness in its rhythms (a relief from the rhythmical lassitude of other recent music) and novel tone colors in its instrumentation, for examples. Adams utilizes some of these techniques, a residue of his earlier association with the minimalists. It is even possible that the current existence of a whole fashionable school of harmonic music has made the emergence of an Adams possible. But whatever his tangential connections with the minimalists, he remains in essence a different type of composer.

There is a good photographic portrait of Adams on the cover of the present album. In that photo he looks like a yuppie—a solemn, stern-faced yuppie, but a yuppie.

This statement should not be construed as a criticism. The defining characteristic of a yuppie is his or her upward mobility—the irresistible direction of Homo sapiens, the eternal quest for greater and greater heights. ("Excelsior!" as Longfellow put it.) Upward movement, no matter what its manifestation, is the yuppie code of conduct.

The two outer movements of *Harmonielehre* are inspired by visual images of soaring. Of the first Adams says: "I can remember the day that I just sat down at the piano and hit those opening chords. I'd just had a dream the night before in which I saw myself driving across the San Francisco Bay Bridge, and looking out saw a huge tanker in the bay. It was an image of immense power and gravity and mass. And while I was observing this tanker, it suddenly took off like a rocket ship with an enormous force of levitation. As it rose out of the water, I could see a beautiful brownish-orange oxide on the bottom part of its hull."

An oil tanker beautiful? This is indeed a strange inspiration for a modern artist, even if those opening chords are in E-minor. The antitechnological mentality of most 20th-century intellectuals would make it virtually impossible for them to admit simple awe at the image of a vast machine of human engineering—much less the immanence of such a thing's soaring.

It wasn't always so. Beethoven, says J. W. N. Sullivan in his great book on the composer, was excited about steam cannons because he thought "that they form[ed] one more witness to the expanding, energetic, and unconquerable spirit of man."

Which is, of course, exactly what Beethoven's music was and is. Technological advances and new romantic music—which is what I take Adams's work to be—are part of the same upwardly mobile trajectory.

Perhaps Mr. Adams would object to my use of the term *romantic* to describe his music. He has been quoted elsewhere as disavowing romanticism. On the other hand, perhaps he has changed his mind. All I know is what my ears tell me, and when listening to *Harmonielehre* they say: romantic. It is not the cowboy-song and jazz-inspired romanticism of Copland nor the craggy, rough-hewn romanticism of Roy Harris nor yet the impressionistic, clear-textured romanticism of Charles Griffes and John Alden Carpenter. Romanticism is distinguished by the number of idioms it is capable of supporting. Adams's is a highly personal American romanticism.

The opening movement, the one inspired by the vision of a tanker, begins with that E-minor chord reiterated constantly over the steady rhythm of minimalist technique but syncopated into an almost Beethoven-like dynamism. (Adams, incidentally, admits Beethoven as a major influence, as he does that most fashionable of composers, the great Sibelius. These romantic influences —one the father of the whole movement, the other one of its most important modern advocates—are clear, if circumstantial, evidences of this tendency in Adams's own music.)

The middle section of the movement is a great lyrical interlude, reminiscent at times of good movie music—which is high praise indeed. (After all, some of the best modern scores originated as movie music, such as Prokofiev's *Alexander Nevsky* and Vaughn Williams's *Sinfonia Antarctica*.) The movement ends as it begins, with the same powerfully driving rhythmic impetus.

The second movement is made up of solemnly mournful yet cold, melodic material built up into a violent climax, somewhat like similar movements in the symphonies of Shostakovich. Adams's dramatic development of musical material in this movement refutes his statement that he is not a "developmental" composer.

The final movement is a triumphant peroration that a romantic critic like Berlioz or E. T. A. Hoffmann would call sublime. And so would I. It was inspired, says Adams, by an image of "Meister Eckhardt floating through the firmament with a baby on his shoulders as she whispers the secret of grace into his ear." As for the psychological process involved in this movement, and in the entire work: "I find composing to be a journey through the underworld. And the

FREE !!

"OFFSHORE BANKING Is Not Evil"

Contrary to what the bureaucrats and misinformed news reporters, accountants, bankers and lawyers have told you — there is nothing illegal, unethical or immoral about Offshore Banking.

J.F. (Jim) Straw; internationally known publisher, banker and entrepreneur, is offering his booklet, *"OFFSHORE BANKING IS NOT EVIL,"* — FREE — to explode the myths and bring the TRUTH to the investing public.

You Will Learn:

★ WHAT Offshore Banking really is — and what it is not.

★ HOW to investigate offshore banking (or investment) opportunities.

★ HOW to open a Swiss Bank Account — or a Bank Account in any other country.

★ HOW to Borrow Offshore.

★ WHEN it is necessary to "report" the offshore movement of funds — and — when it isn't.

No gimmicks. No off-the-wall, half-baked "secret" strategies bordering on the illegal. And, it does not promote tax evasion, or even tax avoidance. — Just the facts, so you don't get caught-up in the rhetoric of the misinformed and uninformed people who simply DO NOT KNOW.

Simply mail the coupon below, TODAY, to receive your free copy of this explosive booklet on Offshore Banking.

TO:

OFFSHORE BANKING
301 Plymouth Drive N.E.
Dalton, Georgia 30720

Please send me my FREE copy of *"Offshore Banking Is Not Evil."*

Name _____

Address _____

City/State/Zip _____

reason I often have heroic endings in my pieces—something that is terribly anachronistic in 1985!—is that I'm totally amazed to have emerged from the tunnel out into the light."

Virgil Thomson once derided the heroic conclusion of Hindemith's symphony *Mathis der Maler*, stating "that [it] might just as well represent Mr. Hindemith's satisfaction at getting to the end of his piece as a saint's triumph over his lower nature." Well, what's the difference? Thomson, for all his virtues as a composer and critic, can never, with his antiromantic bias, understand the underlying conception of the music of a man like Hindemith. Hindemith was, despite his modernism, an essentially romantic composer—that is, one who considered music to consist of more than pleasant or interesting sounds to fritter away the time. To a romantic, music is a Faustian struggle to fathom one's own inner depths.

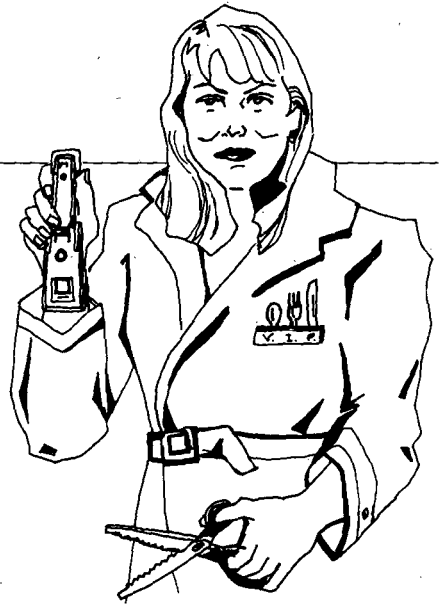
Harmonielehre is also a Faustian, heroic score, which is indeed anachronistic in the 1980s. Adams wrestles with his demons and wins. The typical academic serialist or avant garde composer does not wrestle with demons. He mopes. Perhaps he has no demons, only cooties. Or perhaps he *is* a demon. But at any rate, he has no understanding of the grandeur of human possibilities or of romantic things—things "thought of in terms of the future," as Charles Ives called them—or of upward mobility.

I think many yuppies, or yuppies at heart, no matter how aged, would greatly enjoy *Harmonielehre* if they took the time and trouble to listen to it. There is, after all, more to modern music than Madonna and Prince. Even in our trivial time there exist blueprints for freedom and aspiration in the human soul. Mankind's future is not all in the past.

Kyle Rothweiler is a free-lance writer and is currently writing a book on modern music.

On The Cutting Edge

By Virginia I. Postrel



When terrorists hijacked TWA flight 847 to Beirut, they did not kill serviceman Robert Stetham with pinking shears. After a Bombay-bound plane exploded over the North Atlantic in June 1985, investigators found a bomb in the cargo hold, not somebody's heirloom silver knives. And the gunmen who attacked the El Al ticket counter in Athens were not wielding staplers.

You wouldn't guess any of this from watching the baggage police inspect the belongings of would-be airline passengers. Sure, they've been known to confiscate blank-guns from NFL referees. But more often, they're waging a holy war against office supplies, sewing scissors, and similarly lethal paraphernalia.

Like most frequent flyers, I used to take security inspections more or less for granted. Most of the time, my trips through the metal detector were hassle-free. Until I started packing a pair of scissors. They weren't anything special, just a normal pair of sewing shears with blades maybe four inches long, accompanied by an obviously massive embroidery project. But they drove the security guards crazy.

In San Francisco, the inspector pulled the offending shears out of the bag, eyed them suspiciously, and gave them back. In Kansas City, where I was just changing planes, the guard went running to her supervisor, who measured the scissors and found them a hair under banning length. Along with my shears, I got a lecture telling me to buy a smaller pair. A few airports later, I gave up. I took to snipping threads with the tiny scissors on my pocket knife.

But even after all that, I never thought anybody would object to *pinking shears*. If you're lucky, a new pair of high-quality pinking shears will cut little zig-zags where you would ordinarily cut a straight line. More often, they won't cut any material more substantial than air. And their blunt tips might go through Jello if you pushed really hard.

But to the tough cookies in San Juan airport, my pinking shears were a lethal weapon. American Airlines confiscated them. Took them away. And made me sign an agreement to pay any expenses they had to incur to get them back to me.

What did they think I was going to do? Threaten to cut a flight attendant's uniform to zig-zagged shreds if they didn't give me a million bucks and create a Palestinian homeland? Pinking shears cost $16. When they didn't show up on the baggage carousel, I decided to let American keep them.

It seems everyone I know has had some kind of run-in with the baggage police. When a friend of mine moved from Chicago to Atlanta, the airline forewarned her that her great-grandmother's silver couldn't come aboard. Those dinner knives were just too dangerous. (But airlines still supply real metal knives along with what they claim is food.) Dressed in her most respectably preppy clothes, my friend showed up with silver in tow anyway and talked her way past the guard.

My husband recently tried to get on a plane with a stapler. Granted, it was one of those sleek, modern jobs, the kind you sometimes see in museum shops. Very suspicious. He might have stapled the pilot to a seat and flown the plane to Havana. Fortunately, however, the staple gun wasn't loaded. Informed of this fact, the guard let it pass with a dirty look.

With people checking bombs in suitcases and machine-gunning travelers in airports, why are security guards worrying about antique dinner knives and staplers and pinking shears? Apparently, because the government tells them to.

After my various encounters with scissors-swiping guards, I'm not so nonchalant about going through airport checkpoints. I've also made a few calls and determined that while the guards work for the airlines, they are really extensions of the federal government. The Federal Aviation Administration, it seems, makes the rules about how to screen passengers and what not to let through. Then it forces the airlines to do the dirty work.

An FAA spokesman in Washington told me that his agency lumps scissors in the same category with knives. "They are a threat, particularly if they're sharp and pointed," he said. If carrying a four-inch knife blade is banned in Boston, for example, the FAA "recommends" that four-inch scissor blades be banned at the city's airport. Don't you feel safer?

Assistant Editor Virginia I. Postrel is frequently mistaken for international terrorist Carlotta the Lady Jackal.

the bookcase

Patriot Henry, Noble Rhetorician

By Murray N. Rothbard

A Son of Thunder: Patrick Henry and the American Republic
By Henry Mayer, New York: Franklin Watts, 529 pages, $22.50

In the last few years, we have been bombarded with empty symbols of patriotism: flag-waving, fireworks, shouts of "U.S.A! U.S.A!" And now we have to gird ourselves for the next great outburst celebrating the bicentennial of the Constitution. In the classical, Aristotelian tradition, these effusions would be considered examples of "base rhetoric," the use of symbols devoid of real content to manipulate the emotions of the public on behalf of the nation-state.

But there is another tradition of rhetoric: "noble rhetoric," in which the rhetorician takes the truths and principles arrived at by reason and presents them (originally in oratory and later also in writing) in the most persuasive and emotionally rousing manner. In that way, head and heart, reason and emotion are married, and convictions spread and intensify.

There will be no celebration, during the Constitution's bicentennial, of the great Patrick Henry, one of the superb examples in American history of a noble rhetorician, one of history's great orators who bent his splendid rhetorical powers to the service not only of principle but of libertarian, individualist principle at that. There will be no celebration, because Henry was one of the major fighters *against* the new constitution and in defense of liberty.

Henry Mayer's *A Son of Thunder*, a political biography of Patrick Henry, is a superb evocation of Henry, his revolutionary principles, and the lifelong leadership he exercised on their behalf. But it also serves as an example of noble rhetoric and the proper way to write political biography.

Nowadays there are two contrasting styles of biography. One, the chronicle, is a massive, thousand-page description of every day in the life of the subject. The result is a bloodless almanac that misses the forest for the trees and in its boring quest for completeness leaves out the essential events

and drama of the subject's life. In political biography, in particular, the essential story of the person is one of high moral drama, of an excitement that almanac-style biography inevitably misses completely. The opposite pole of modern biography is the pseudo-history that reads like a novel, in which the author misleadingly puts thoughts and even words into his protagonist's head for which there is no scintilla of evidence.

Mayer's book successfully avoids both these pitfalls. It is scholarly and faithful to the historical events. Yet Mayer writes in a lively, exciting fashion, which catches, as no chronicle can, the essence of Patrick Henry and his ideological and political struggles. As a result, Mayer displays keen insight into Henry, his role, the context of his political culture, and the influences upon him.

It is clear from Mayer, even without a record of Patrick Henry's incomparable voice, that he was a great orator. We can see it simply by reading his speeches, even though we do not have accurate transcripts. I urge readers to get the full text of Henry's magnificent speech attacking the Constitution at Virginia's ratifying convention. Henry's rhetorical powers are evident in his refusal to mince words or engage in elegant rodomontade, as did so many of his compatriots. His words are crystal-clear as he penetrates to the heart of the problem without evasion or qualification and condemns the virtually unlimited power that would be conferred by the Constitution upon the central government. Noble rhetoric indeed!

Mayer makes it clear that Henry's persuasiveness and oratorical power stemmed from the fact that Henry differed from most of his contemporaries in the purpose of his speeches. Thus, as the dispute with Britain began to heat up in the colonies, Henry's colleagues in the Virginia House were concerned to frame their speech and their legislative motions in careful, judicious prose that would win them respect in London and among the rest of the elite of the Virginia landed oligarchy of the day. But Henry's aim was to rouse the public to principled resistance to tyranny, to go over the heads of the power elite and stimulate a revolutionary devotion to libertarian principle among the masses of Americans. Hence, the Old Guard, committed to graceful minuets along the corridors of power, hated Henry with a profound passion and never forgave him for introducing a new antistatist style as well as content into American political life.

In addition to this main theme, Henry Mayer understands and presents the subtleties of Henry's position. As a member of an impoverished country gentry, Henry found himself naturally in opposition to the wealthy Virginia oligarchy. But more important was his deep-seated evangelical Christianity, which set him against extravagance and "aristocracy" in government and in favor of simplicity of manners as well as minimal expenditures of government.

Henry's fervent Christianity, in fact, partially accounts for the political isolation of his last years. For among the revolutionary Founding Fathers, only Patrick Henry and his fellow libertarian radical Samuel Adams were ardent Christians. The others, who were younger than Adams and Henry, were virtually all deists, including not only Jefferson and Paine but also the conservative George Washington. Though Henry shared some political values with these Founding Fathers, his Christian emphasis on virtue in government set him apart from the deists.

Henry's demand for a second constitutional convention lost to Madison's adroit maneuver in giving the Antifederalists a sop in the form of the Bill of Rights. Having lost the great struggle over the Constitution, Henry understandably withdrew from political affairs. He was not likely to join the opposition Democratic-Republicans, headed by Madison and Jefferson, since he held them responsible for ratifying the Constitution in the first place. But there was another reason Henry hated the Republicans more than his old enemies the Federalists, with whom he flirted shortly before he died. That was the Republican enthusiasm for the French Revolution, which Henry put down to their common impiety and deism. While Mayer mentions this point, he could have developed it more thoroughly, for otherwise Henry's dalliance with Federalism remains inexplicable.

Henry's inspiring role as an activist and revolutionary speaks directly to concerns of modern proponents of individual liberty. Should those of us who support individual liberty against the tyrannies of the state rest content with enunciating these principles and refuse to work with people who are less systematic in their opposition to the state? Or should we try to advance our principles in the real world by plunging into ideological or political movements that broadly though not totally represent our principles, while at the same time trying to persuade our allies of a consistent position? Certainly this was the path taken by Henry. Sometimes he won and sometimes he lost, but his accomplishments for liberty were enormous.

Not his least accomplishment is the power of his example. Patrick Henry lived his life striving to embody his principles in the real world. Where are the sons of thunder today?

Murray Rothbard is the S. J. Hall Distinguished Professor of Economics at the University of Nevada, Las Vegas, and the author of the history series Conceived in Liberty, *among other works.*

Beyond Time, Space, and Mortality

By Victoria Varga

Eclipse, by John Shirley
New York: Bluejay Books, 338 pages, $8.95 (paper)

Marooned in Realtime, by Vernor Vinge
New York: Bluejay Books, 356 pages, $17.95

Science-fiction writers have long used the genre as a vehicle for presenting individualist and antigovernment themes. Robert Heinlein and Ray Bradbury, for example, built their reputations on such individualist works as *The Moon Is a Harsh Mistress* and *Fahrenheit 451*. These themes are now being taken up with gusto and skill among a new generation of science-fiction writers. Whether or not the literary establishment acknowledges it, a respectable number of very good science-fiction novels—novels that satisfy on literary, philosophical, and narrative terms—have been published lately. These books are so far from being "space operas" that they may at last break down the walls of science fiction's literary ghetto.

Like the works of Heinlein and Bradbury, these novels portray characters who often have very little use for governments. At best they seem to consider them wasteful and inefficient institutions; at worst, the most direct road to slavery or mass extinction.

Bluejay Books is one of the primary publishers recently responsible for quality science fiction of this character. In the past two years, the Libertarian Futurist Society, a group of enthusiasts for science fiction that advances themes of individual liberty, nominated five Bluejay books for its Prometheus Award. If any LFS member had read John Shirley's *Eclipse* (volume one of *A Song Called Youth*) before the deadline, I predict that it too would have been nominated. Another recent Bluejay title, *Marooned in Realtime*, has just been nominated for next year's award.

Eclipse confronts many of the worst hobgoblins of Western culture: global war, creeping totalitarianism, and the seeming powerlessness of the individual. In Shirley's future history, the United States and the Soviet Union signed a treaty in 1998 that restricted them to small tactical warheads and conventional weapons in case of conflict. Their first "limited" engagement devastated Western Europe. The starving survivors of once-great European cities—a few compare themselves to unwilling maggots in the corpse of civilization—are so weak and psychologically demoralized that many would have preferred total obliteration.

The terror and hopelessness of the war's aftermath proved to be the perfect medium for the machinations of the Second Alliance, an American-based neofascist organization led by a powerful "Christian" leader. The aims and methods of the Alliance make the Nazis of World War II look like bumbling idiots: Second Alliance leaders are far more subtle, secretive of their goals, clever, and, most dangerously, sincere.

At the book's outset, members of the Alliance have already infiltrated governments and businesses worldwide. They have convinced the citizens of targeted nations that foreigners, especially those with brown skin, are the cause of scarcity and conflict. In each case, Alliance goals are skillfully presented as a national movement, conceived and directed from inside.

Fighting the Second Alliance is a sometimes motley, and often very intelligent, group of men and women who have only one thing in common—they know that human lives and human freedom won't be worth a spit in the wind if the Second Alliance completes its takeover. Shirley introduces his "good guys" one by one. We meet them in a gutted high-rise in Amsterdam, in "Admin" quarters in an orbiting space colony, and in a "mini-mono" (future-punk gone bad) bar on an artificial island in the Atlantic. Steinfeld, the New Resistance leader, gathers them up (a few fall in his lap) and trains them to become freedom fighters.

But the way the Second Alliance is

foiled—as ingenious, as just, as wonderful as it is—has less to do with Steinfeld and more to do with the effect of music on the human soul. There is probably no way for a reviewer to write that without sounding silly, but there it is, and it works. One cautionary note: if you loathe rock and roll, I suggest you substitute a concert violinist and a Stradivarius for Rickenharp and his Telecaster. It would work just as well, if on different people.

Eclipse functions well on its own; it has a beginning, an end, and no small amount of satisfaction in between. It is impossible, however, not to anticipate volume two of *A Song Called Youth—Eclipse Penumbra—*

due out this spring. Part of this anticipation is just a reader's reaction to a good novel: one is unwilling to give up interesting characters after living with them, however vicariously, for a time. But another part is what science-fiction author Norman Spinrad calls "something that all natural men and women crave in their heart of hearts in one form or another unless they are totally spiritually dead, namely to transcend, if only for a moment or the length of a book, time, space, and mortality and contemplate some credible vision of one's destiny in the universe entire." For me it is a desire to visualize our future (and our children's future) in some other way than as victims of merciless governments, nuclear war, global terrorism, or killer pollution. If there can be more, if there can be something better, I want to know about it, plan for it, help it happen.

Vernor Vinge takes this desire to see the future several steps further. *Marooned in Realtime* is the sequel to Vinge's 1984 novel, *The Peace War*, a beautifully crafted book about an enforced peace. To recapitulate, scientists at Lawrence Livermore invent the "bobbler," a device that creates a perfectly spherical, mirrored artifact—a bobble. Bobbles can instantly surround a weapon, a munitions factory, a capitol building. They are impervious even to heat, light, or nuclear explosion. After the first one pops, it is discovered that bobbles are also a sort of one-way time machine. Everything inside, including humans, is kept in perfect stasis as long as the bobble is intact. In the name of world security, the Peace Authority bobbles any evidence of advanced technology. Out of necessity, illicit subcultures create a technological and pharmaceutical underground that finally overthrows the Peacers.

As fascinating as *The Peace War* is, it contains one monumental disappointment. At the book's end, some of the main characters discuss the kind of government they hope to institute now that the Peacers have been overthrown, and they long, wistfully, for the present-day U.S. government. Well, it would be an improvement over the Peacers, but I would have expected more of them.

Marooned contains no flaws of that kind; either Vinge or his characters had a change of heart. At one point, in fact, *Marooned* hero Wil Brierson asks himself, "Could there really be a situation so weird that he would advocate government? He felt like a Victorian pushing sodomy." And at the end of *Marooned*'s 21st century, New Mexico, the last remaining government, finds that it cannot compete with the very successful "ungoverned lands" except as a sort of amusement park. Tourists come to pay taxes, vote, and observe a real Congress, just like their grandparents had done.

Of course, this turn of events makes the president of New Mexico feel a little too much like Rodney Dangerfield. So he and a hundred followers bobble themselves 500 years into the future where they hope to get a little more respect, and they find...no one. But more about that later.

Marooned is fascinating because it can be looked at on three levels. The first is as a science-fiction detective story that is summarized neatly on the dust jacket: Everyone who is still bobbled while the rest of the human race disappears eventually rendezvous 50 million years in the future in order to establish a viable colony and save the human species. One of their number kills a charismatic leader, and detective Brierson must try to find the killer's identity. On a second level is a deeper and more complex problem: can 500 of Earth's most troublesome species put aside their power lusts long enough to build a technologically functional, genetically viable, and coercion-free

Scientific Study Ranks NordicTrack #1

Bill Koch
8 time Nat'l X-C Ski Champion Olympic Silver Medalist World Cup Winner
NordicTrack Pro With Adjustable Elevation
© PSI 1986

In tests of exercise efficiency at a major university, NordicTrack burned more calories and provided greater aerobic workouts.

Rank of Efficiency

1. NordicTrack X-C Ski Exerciser
2. An Exercise Bike
3. A Rowing Machine
4. A Shuffle-Type Ski Exerciser

Scientific Abstract available upon request.

NordicTrack's higher oxygen usage test scores show that more muscle mass is involved in the exercise and more calories are being burned.

It's Only Logical that NordicTrack Would Get the Highest Scores.

NordicTrack is More Complete Than an Exercise Bike

NordicTrack adds important upper body exercise and more uniform leg muscle usage.

Cross Country Skiing Is More Efficient Than Rowing

NordicTrack's standing position exercises the lower body muscles more uniformly. NordicTrack's arm resistance is separately adjustable–allows a more ideally proportioned exercise. Rowing machines use only one resistance setting for both arms and legs.

Burns Up To 600 Calories per 20 Minute Workout

For effective weight control.

NordicTrack has Inertial Resistance Not Available on a Shuffle-Type Ski Exerciser.

Other ski exercisers use less effective frictional resistance with a resulting calisthenics-like feeling. NordicTrack's unique flywheel provides more effective inertial resistance for a life-like feeling of smoothness and continuity matched only by real skiing.

Free Brochure. Call

800-328-5888

Minnesota 612-448-6987

NordicTrack

141RE Jonathan Blvd. N., Chaska, MN 55318

GLAD YOU ASKED!

by Joe David

Did you know that the schools are experimenting on the minds of your children?

But that's not all. Even worse things are going on.

Controversial author of **The Fire Within** exposes all these things in a fast-paced question-and-answer look at public "education."

Documented, thorough, organized,
Glad You Asked!
will be *the* source book on education.

For your copy send $7.70
($5.95 plus $1.75 postage) to:

Books For All Times, Inc.
Box 2
Alexandria, VA 22313

Virginia residents please add 4% tax

COMMON SENSE REVISITED

60 minute cassette tape

Celebrate Constitutional Convention Anniversary

Learn about:
1. Draft Registration
2. American Involvement in Central America
3. The Effects of Deficit Spending
4. What Causes Poverty

— AND —
the solution to many of our problems

Send $10 ($2 extra for UPS 2nd Day Air) to COMFORT / Box 12891 / Wichita, KS 67213

Name _____
Address _____
City _____
State _____ Zip _____

the bookcase

society? On a third level—and this is what got Vinge to write the book in the first place—what happened to the rest of humanity in the mid-23rd century?

Vinge and many scientists postulate an increasing rate of technological growth and discovery, and this in *our* lifetimes. What happens to humanity, Vinge asks, after several centuries (or, more likely, several decades) of exponential growth? He, and we, must assume here that we won't blow ourselves up first and that we learn to moderate our population growth, control disease, and limit pollution. In his afterword, as well as in the novel, Vinge predicts a "singularity," some change or metamorphosis in the human animal that we can't foresee but may live through.

Has this metamorphosis happened to extraterrestrial species, and is that why we hear no signs of intelligent life in the universe? Can we live long enough, and well enough, to find out?

Victoria Varga is the editor of Prometheus, *the newsletter of the Libertarian Futurist Society.*

Vietnam: Leftist Dissection Not Incisive

By Ted Galen Carpenter

Anatomy of a War: Vietnam, the United States, and the Modern Historical Experience
By Gabriel Kolko, New York: Pantheon Books, 628 pages, $25.00

The Vietnam war constituted a watershed event in modern American history. Not only did that conflict create bitter domestic divisions, but the ultimate collapse of U.S. policy also undermined several persuasive assumptions concerning foreign affairs. Individuals who endorsed the U.S. intervention could never again be quite as confident about America's role in the Third World or the republic's ability to project military power for ideological objectives. Antiwar activists who projected a relatively benign North Vietnamese victory, bringing unity and peace to that troubled land, had to confront equally unsettling events. The boat-people refugee exodus, combined with Hanoi's imperialist domination of Laos and Cambodia, exploded a variety of leftist myths.

Given the importance and controversial nature of the conflict, it is not surprising that many analytical accounts have appeared. Unfortunately, most books on the subject reflect ideological biases or hidden agendas, thus distorting or failing to address crucial issues. Gabriel Kolko's *Anatomy of a War* is no exception to this dreary record.

Kolko's stated objective is to examine the larger social and political context surrounding the military struggle in Vietnam. According to Kolko, "War is not simply a conflict between armies; more and more it is a struggle between competing social systems, incorporating the political, economic and cultural institutions of all rivals." The longer a war goes on, "the more likely that it will be determined outside the arena of arms and battles." This, he insists, is especially applicable to the Vietnam war.

A crucial element of Kolko's thesis is that the collapse of the Saigon regime in 1975 was not due solely, or even primarily, to military factors. Instead, it reflected fundamental contradictions and structural weaknesses in South Vietnamese society that were exacerbated by U.S. interference. In Kolko's view, the Vietnamese war was essentially "a contest between the U.S. with its abundantly subsidized, protected surrogate and a Revolutionary movement whose class roots and ideological foundations gave it enormous resiliency and power." The Communist Party's ability to mobilize the "masses" made the outcome virtually inevitable.

Kolko's emphasis on the social and political context occasionally produces valuable insights. He makes a persuasive case that South Vietnam's political system was an artificial and fragile creation, heavily dependent upon continued U.S. sponsorship. This aspect of his analysis serves as a useful corrective to the view, popular in conservative circles, that the Saigon regime could have endured if Congress had only provided more military assistance in late 1974 and early 1975. The problem, as Kolko stresses, ran far deeper than the spot shortages of arms and ammunition.

Despite such pertinent observations, Kolko's approach generally produces unconvincing analysis. His decision to emphasize political and social factors is useful at times, but it also leads him to understate important military considerations.

For example, he scarcely mentions Communist China's aid to the Viet Minh during the 1950-54 period. Yet that assistance was vital in the Viet Minh's triumph over the

French. It is difficult to imagine the successful siege of Dien Bien Phu if the insurgents had lacked sophisticated weaponry. Even the Soviet Union's vast assistance to North Vietnam during the late 1960s and early '70s receives only minimal attention. Dedication and tenacity may have been the hallmarks of the Vietmanese resistance to the U.S. onslaught, but the batteries of Soviet-made ground-to-air missiles certainly played a role.

Even worse is Kolko's strident Marxism, a perspective that permeates the book. Jargon about "historical forces," "class struggle," and "objective conditions" is so pervasive as to annoy any reader not already imbued with the Marxist faith. Moreover, Kolko rarely deigns to justify such passages with even the most meager evidence.

His Marxist bias also impels him to view the Vietnamese Communist Party and its leadership with uncritical admiration. The party's repeatedly shifting position on the crucial issues of land ownership and distribution, for example, is portrayed as a manifestation of "flexibility," not deceit or the cynical exploitation of a gullible peasantry.

A blatant double standard is evident in Kolko's description of political repression and brutality. The execution of some 15,000 landowners in North Vietnam following the 1954 Geneva Accords is mentioned briefly and without adverse comment. Hanoi's treatment of Catholics and that group's subsequent exodus to the south is virtually ignored. Conversely, Ngo Dinh Diem's repression receives prominent attention, with Kolko labeling various episodes as deliberate "totalitarian" campaigns of "terror."

Similar distortions are evident in his analysis of American foreign policy. At one point, Kolko asserts that a prominent goal of U.S. strategy was to neutralize the potential throughout the Third World for "revolutionary nationalist regimes." This is profoundly misleading. U.S. policymakers considered all communist movements subservient to Moscow and, therefore, viewed their nationalist credentials as bogus. In retrospect, such an assumption was naive and tragically erroneous, but American officials scarcely set out to squelch movements that they conceded were nationalist in nature.

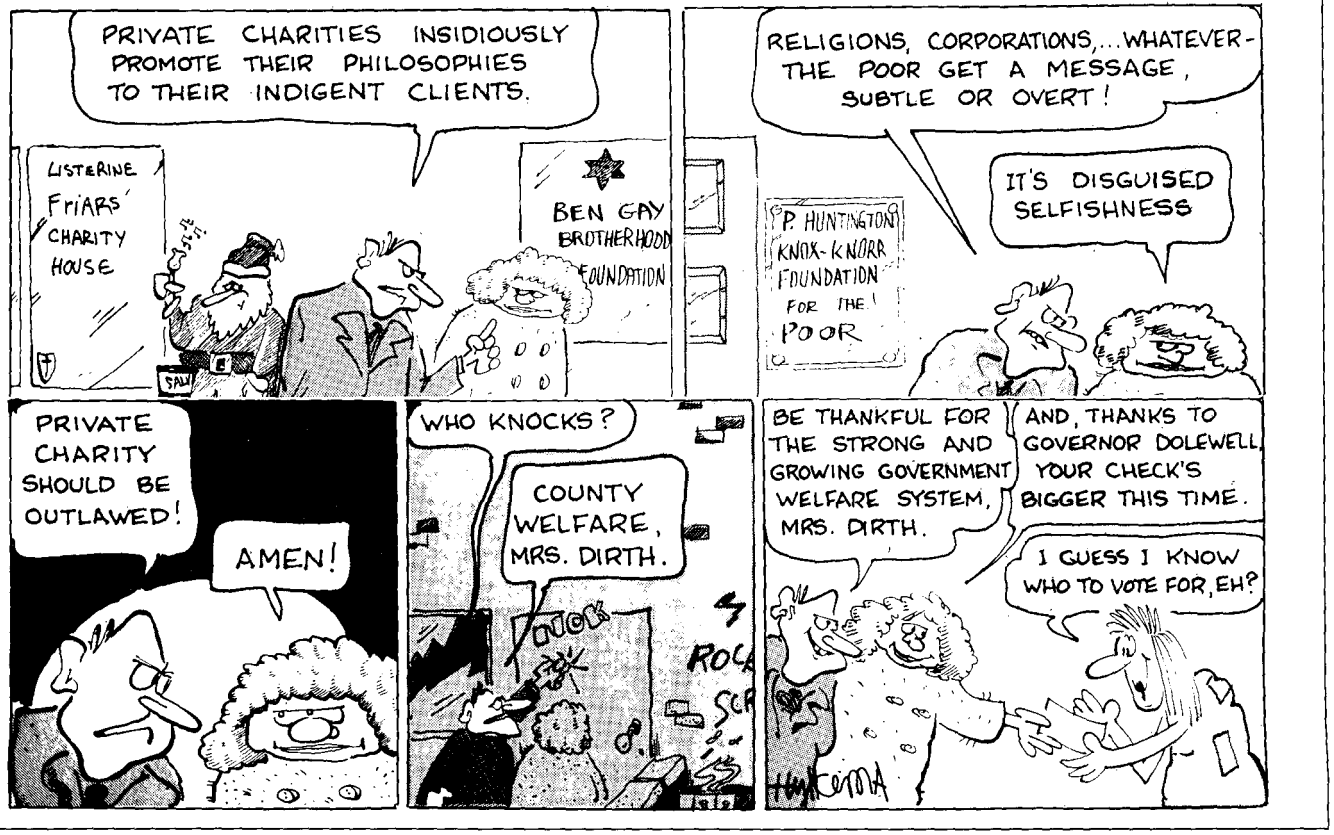
Kolko misinterprets other elements of U.S. policy, and again his Marxist bias is the apparent culprit. He repeatedly overstates the economic motives for U.S. actions in the Third World, converting what was merely one factor among many into the dominant consideration. There were numerous reasons for Washington's decision to intervene in Southeast Asian affairs, but contrary to Kolko, economic motives were not paramount.

A great need exists for a perceptive account of the Vietnam war from a solid historical perspective. Unfortunately, Gabriel Kolko has not written such a book. Given the laudatory treatment of the Vietnamese communist faction, the unrelenting hostility toward the noncommunist opposition, and the distortions of U.S. policy, Kolko could just as easily have produced this analysis in the early 1970s. Hanoi's manifest brutality and imperialist pretentions since the 1975 victory have had little impact on his interpretation of pre-1975 events. Although *Anatomy of a War* contains some useful, occasionally intriguing insights, it remains a disappointing, seriously flawed work.

Ted Galen Carpenter, a historian, is a foreign-policy analyst with the Cato Institute.

rudebarbs

Randall K. Hylkema


PRIVATE CHARITIES INSIDIOUSLY PROMOTE THEIR PHILOSOPHIES TO THEIR INDIGENT CLIENTS.
LISTERINE
FRIARS' CHARITY HOUSE
BEN GAY BROTHERHOOD FOUNDATION
RELIGIONS, CORPORATIONS,...WHATEVER- THE POOR GET A MESSAGE, SUBTLE OR OVERT!
IT'S DISGUISED SELFISHNESS
P. HUNTINGTON KNOX-KNORR FOUNDATION FOR THE POOR
PRIVATE CHARITY SHOULD BE OUTLAWED!
AMEN!
WHO KNOCKS?
COUNTY WELFARE, MRS. DIRTH.
BE THANKFUL FOR THE STRONG AND GROWING GOVERNMENT WELFARE SYSTEM, MRS. DIRTH.
AND, THANKS TO GOVERNOR DOLEWELL, YOUR CHECK'S BIGGER THIS TIME.
I GUESS I KNOW WHO TO VOTE FOR, EH?

viewpoint

By Karl Zinsmeister

Baby Haters International

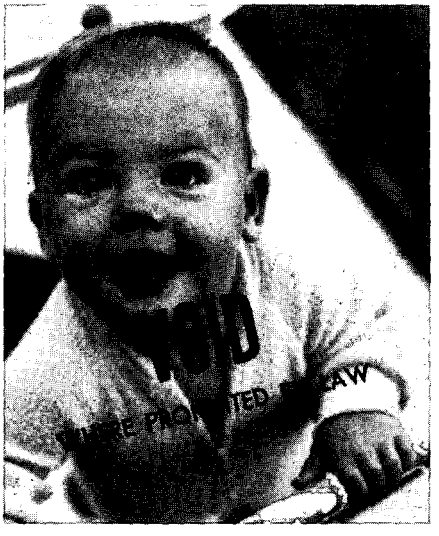
Quietly, over the past three years, a few international bureaucrats and academics—mostly Americans—have been laying the intellectual foundations for a major new scheme to control family making. They want to save the planet and improve life for the citizens of the world. Unfortunately, the world's citizens may have little or no say in their salvation.

Historically, international family-planning efforts aimed simply to bring new contraceptive services to people who wanted them. The programs extended human choice. Recently, however, this long-standing commitment to strict voluntarism has waned. Important parts of the international family-planning apparat have begun to veer dangerously toward social control and coercion.

In a widely cited 1984 report, the population division of the World Bank presented one of the first mainstream rationalizations for taking the voluntary family-planning movement a step further, into active efforts by national governments to suppress reproduction through financial, political, and social pressures. "Ensuring that people have only as many children as they want...might not be enough," the report asserted. Where "privately desired" childbearing exceeds the "socially desired" level, government ought to step in.

In 1986 the U.S. National Academy of Sciences issued another influential study. "When a couple's childbearing decision imposes external costs on other families," argued the Academy professors, a case may be made for policies that go beyond voluntary family planning. These policies could include "persuasive campaigns to change family size norms" and a variety of financial incentives and penalties. Making the case for "drastic financial or legal restrictions on childbearing" is "more difficult," the report allowed.

Readers with a respect for private liberties and a sense for realpolitik will detect in these developments a chilling door-opening for massive state intrusion into the most private of human choices. Starting a family, having children—it is hard to imagine more intimate and fundamental rights. None but the most determined brave-new-worlder would want to see these delicate decisions transferred from the private to the public realm.



The idea that the social costs and benefits of childbearing could be objectively measured is ludicrous. Even more troublesome are the practical political exigencies: these most sensitive of judgments would have to be entrusted to a government potentate. According to the authoritative Freedom House, only 29 out of 135 Third World nations display a modicum of political freedom today. Mechanisms for effective citizen recourse against official injustice are few to nonexistent in most developing nations. In such countries, are we to encourage further state intrusion into individuals' lives?

This is not merely a hypothetical concern. In 1976 the Indian government declared, "Where a state legislature, in the exercise of its own powers, decides that the time is ripe and it is necessary to pass legislation for compulsory sterilization, it may do so." In the six months following, over six million Indians were sterilized, many thousands forcibly. The episode inspired such fierce resistance that the Indian government—a rare Third World democracy—fell, and the program was repealed.

Residents of less democratic states have been less fortunate. "Beyond family planning" measures are currently in effect in China, Vietnam, Singapore, and South Korea. China's program is particularly ugly. By government edict, most couples are forbidden from having more than one child. Perhaps 3 million Chinese women are forced to have an unwanted abortion every year. Many millions more are sterilized under terrific pressure. In some hospitals, according to the *Washington Post*, attending obstetricians are under orders to see that newborns do not survive if they are second children.

Tens of thousands of infants are also killed by parental infanticide. No wonder: the penalties for having a child without government authorization include job loss, an end to land access for raising food, and fines equivalent to three years' income. (All this in a country where the government is far and away the major employer.)

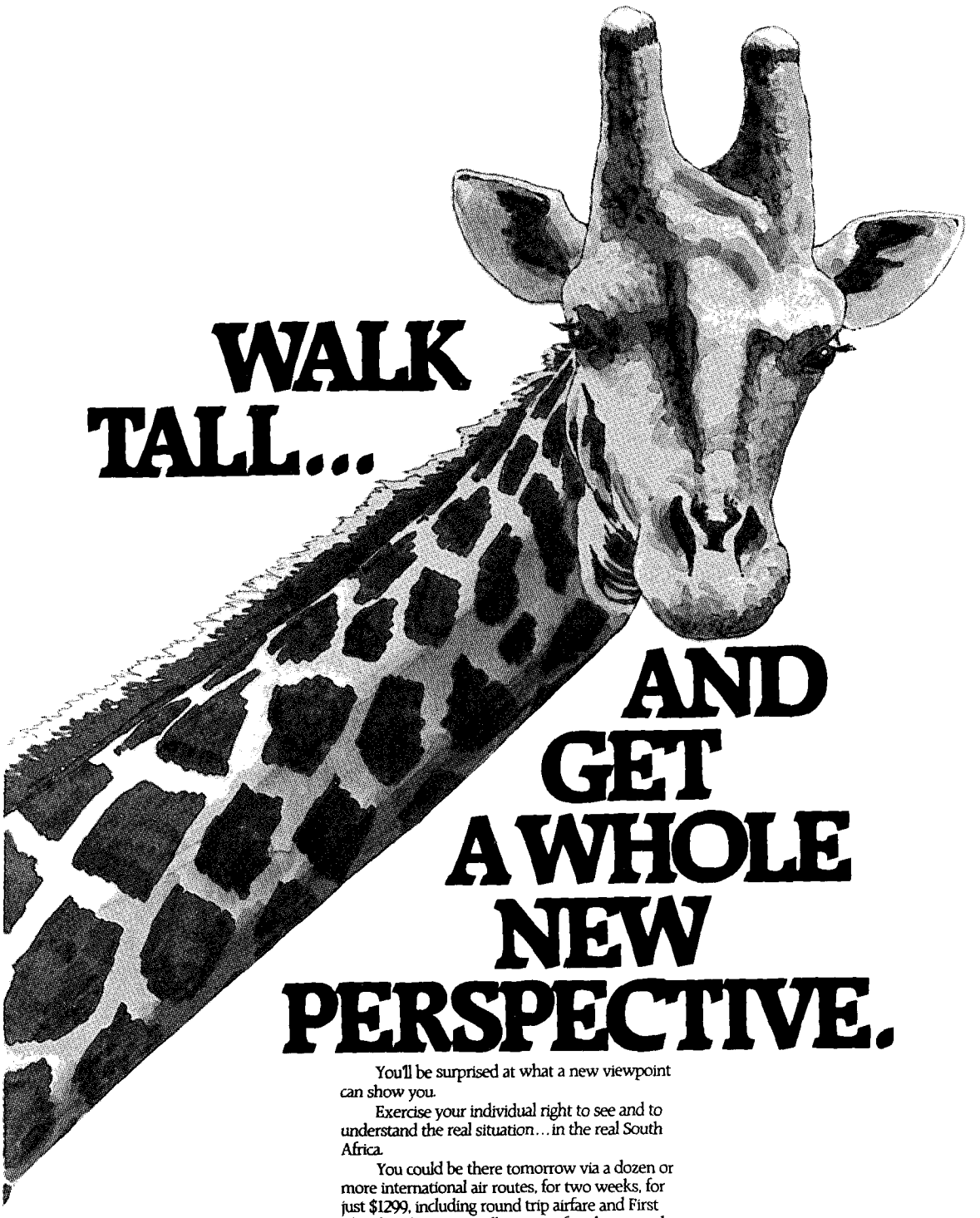
The distinguished demographer Richard Easterlin has written tellingly on the hazards of allowing control over procreation rights: "We have had sufficient experience now with population programs to realize that they can easily become a vehicle for elite pressure on the poor. I fear that the elevation to legitimacy of 'beyond family planning' measures lends itself to precisely such pressure....Of course, one might claim that such measures are in the 'ultimate' interest of the poor, but this view leaves one in the uncomfortable position of having to define the person, group or institution that is better able to judge the interests of the poor than the poor themselves."

(That judgment is not one that United Nations officials have shied from. When the first UN medal for family planning achievement was awarded recently, its joint winners were—you guessed it—the heads of the Chinese and Indian programs.)

This is an issue that ought to be of paramount concern to advocates of liberty and private choice. But by and large, criticism of the Chinese program—and creeping coercion in the family-planning movement generally—has come not from libertarians but from other quarters: the right-to-life movement, moral traditionalists, antitotalitarians.

Persons interested in promoting personal freedom would do well to recognize that that sometimes requires defense of its incubating institutions: neighborly networks, local sources of authority, the family in particular. Protesting attempts by international controllers to further circumscribe human choice by coercively dictating family size would be a good place to start.

Karl Zinsmeister is a Washington, D.C., demographic analyst and a commentator for Radio America.



WALK TALL... AND GET A WHOLE NEW PERSPECTIVE.

You'll be surprised at what a new viewpoint can show you.

Exercise your individual right to see and to understand the real situation... in the real South Africa.

You could be there tomorrow via a dozen or more international air routes, for two weeks, for just $1299, including round trip airfare and First Class hotels.* An excellent rate of exchange makes travel in South Africa a superb value.

So catch big game fever. Be captivated by towering cities built on gold and diamonds. Be charmed by the scenic splendors of Cape Town and Table Mountain.

But best of all, let yourself be pleasantly surprised by the difference between the South Africa on your evening news... and real South Africa that's living, breathing, and changing for the better every day.

That's a difference worth a trip in itself.

You'll be enchanted by the magic of South African hospitality. In fact, you'll come back. Again and again.

Call or write today.

satour

MAIL coupon to Satour, P.O. Box 305, Oak Park, IL 60303 or CALL today:

I want to see for myself. Please send me no-obligation information about travel in South Africa, including details of your special $1299 14-day package.

RS1

Name_____

Address_____

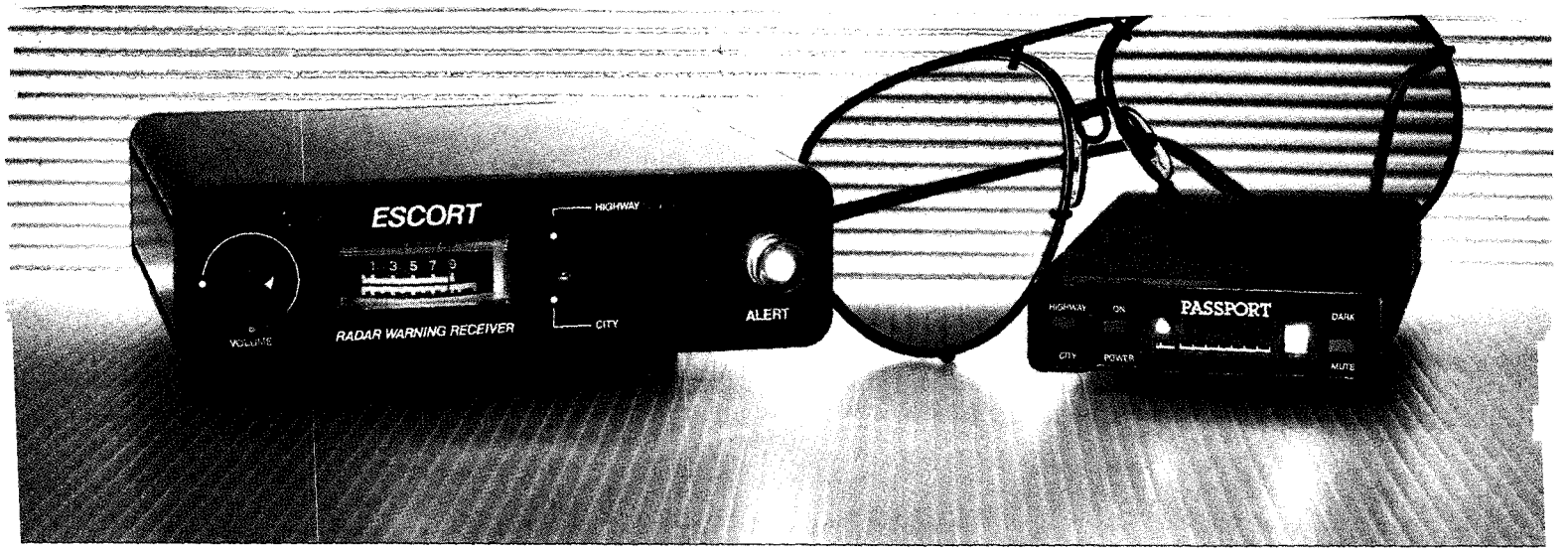
City_____

State_____ Zip_____

1-212-838-8841 or 1-800-345-5433
(in Illinois: 1-800-972-5855)

SOUTH AFRICA. YOU'LL COME BACK. AGAIN AND AGAIN.

* airfare from New York includes internal flights in South Africa. Hotels are double occupancy, including daily breakfast. Space on this special program is limited, so call today.



Radar warning breakthrough #4 is now available from the same engineers who made #1, #2, and #3

Bad news for radar detectors. The FCC (Federal Communications Commission) has cleared the Rashid VRSS for operation on K band.

What's a Rashid VRSS?

The Rashid VRSS is a collision warning system using a radar beam to scan the vehicles path, much as a blind person uses a cane. It may reduce accidents, which is very good news.*

Now for the bad news

Unfortunately, the Rashid transmits on K band, which is one of the two frequencies assigned to traffic radar. Rashid speaks a radar detector's language, you might say, and it can set off detectors over a mile away.

Faced with this problem, we could hope Rashid installations will be few. Or we could invent a solution.

Opportunity knocking

Actually, the choice was easier than it sounds, because our engineers are in the habit of inventing remarkable solutions. In fact, in the history of radar detection, only three advancements have qualified as genuine breakthroughs, and all three came from our engineers.

Back in 1978, they were first to adapt dual-band superheterodyne technology to the problem of traffic radar. The result was ESCORT, now legendary for its performance.

In 1983, when a deluge of cheap imported detectors was found to be transmitting on radar frequency, our engineers came through again, this time with ST/O/P™, a sophisticated circuit that could weed out these phony signals before they triggered an alarm.

Then in 1984, using SMDs (Surface Mounted Devices), micro-electronics originally intended for satellites, these same engineers designed the smallest detector ever. The result was PASSPORT, renowned for its convenience.

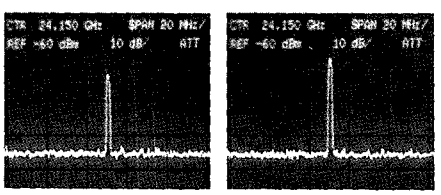
*For more information on Rashid VRSS collision warning system, see *Popular Science*, January 1986.

They said it couldn't be done

Now we're introducing breakthrough number four. In their cleverest innovation yet, our engineers have found a way to distinguish Rashid from all other K band signals. It's the electronic equivalent of finding the needle in a haystack. The AFR™ (Alternating Frequency Rejection) circuit isolates and neutralizes all Rashid signals, yet leaves the radar detection capability undiminished for your protection.

No waiting for the good stuff

When testing proved that AFR was 100 percent effective, we immediately incorporated it into ESCORT and PASSPORT. Our policy is to make running changes—not model changes—whenever a refinement is ready. That way our customers always get the latest science.



RADAR RASHID

Figure 1: A digital spectrum analyzer scanning the entire width of K band can't see the difference between radar and Rashid.

AFR is fully automatic. There are no extra switches or lights. Nothing for you to bother about. The Rashid problem simply goes away.

Last year *Road & Track* called us "**the industry leader in detector technology.**" We intend to keep earning our accolades.

We make shopping easy too

Call us toll free. We'll answer all your questions. If you decide to buy, we'll ship the next business day at our expense. For $6.00 extra, Federal Express will deliver to you within two business days of shipment.

If you're not completely satisfied within 30 days, return your purchase. We'll refund *all* your money, including return postage, no questions asked.

We specialize in breakthroughs. Can we make one for you?

Order Today

TOLL FREE...800-543-1608

(Phone M-F 8-11, Sat 9-5:30, Sun 10-5 EST)

VISA MasterCard DINERS CLUB INTERNATIONAL

By mail send to address below. All orders processed immediately. Prices slightly higher for Canadian shipments.

PASSPORT®
RADAR·RECEIVER

Pocket-Size Radar Protection $295
(Ohio res. add $16.23 tax)

ESCORT®
RADAR WARNING RECEIVER

The Classic of Radar Warning $245
(Ohio Res. add $13.48 tax)

Cincinnati Microwave
Department 61317
One Microwave Plaza
Cincinnati, Ohio 45296-0100

© 1986 Cincinnati Microwave, Inc.

Cincinnati Microwave is committed to constant advancement in radar warning technology. Therefore, we are working out a plan to offer upgrades for most pre-AFR models (PASSPORTs under number 550,000, and ESCORTs from 200,000 through 1,199,999). For complete details, please send a card with your name and address (no calls, please) to our special facility at the following address: **AFR Retrofit, P.O. Box 498947, Cincinnati, Ohio 45249-8947.** We will promptly forward a packet with comprehensive information on the retrofit program.